

# ORDINARY MEETING

Wednesday 2 April 2014







PO BOX 156  
MUDGEE NSW 2850

86 Market Street MUDGEE  
109 Herbert Street GULGONG  
77 Louee Street RYLSTONE

Ph: 1300 765 002 or (02) 6378 2850  
Fax: (02) 6378 2815

Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

26 March 2014

Dear Councillor

MEETING NOTICE  
**Ordinary Meeting**

Wednesday, 2 April 2014

Open Day at 5.30pm

*Council Meeting commencing at conclusion of Open day*

Notice is hereby given that the above meeting of Mid-Western Regional Council will be held in the Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

Members of the public may address the Committee Meeting at Open Day. Speakers are given 5 minutes to outline any issue of relevance to the Council. If you wish to speak at Open Day please contact the Mayor's Office on 1300 765 002 or 02 6378 2850 by 3.00 pm on the day of the meeting. Alternatively, please make yourself known to the Manager Governance prior to the commencement of the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read "Warwick L Bennett", is written over the typed name and title.

WARWICK L BENNETT  
GENERAL MANAGER

# AGENDA

Item 1:	Apologies.....	4
Item 2:	Disclosure of Interest.....	4
Item 3:	Confirmation of Minutes.....	4
	<b>3.1 Minutes of Ordinary Meeting held on 19 March 2014</b>	<b>4</b>
Item 4:	Matters in Progress .....	15
Item 5:	Mayoral Minute.....	17
Item 6:	General Business .....	18
	<b>6.1 Notices of Motion</b>	<b>18</b>
	<b>6.2 Reports</b>	<b>19</b>
	6.2.1 DA0273/2014 – Proposed Staged 26 Lot Residential Subdivision, Lot 1 DP 1176841, 4- 8 Perry Street, Mudgee	19
	6.2.2 Development Application 0245/2014 Proposed Alterations and Additions to Existing Industrial building at Lot 2 DP708339 no.1 Inglis Street Mudgee	52
	6.2.3 DA 0260/2014 – Proposed Subdivision (of 3 units) Lot 10 DP 37649, 28 Horatio Street Mudgee	71
	6.2.4 Petroleum Exploration Licence Application 158	86
	6.2.5 Department of Planning and Infrastructure Performance Monitoring	90
	6.2.6 pARTcipate – Investigation into possibilities for Art and Culture - Phase 1 Report	95
	6.2.7 Financial Assistance Applications	98
	6.2.8 Monthly Budget Review for February 2014	103
	6.2.9 Ulan and Cope Road Capital Upgrades	106
	6.2.10 Independent Local Government Review Panel Response	116
	6.2.11 National General Assembly of Local Government	128
	6.2.12 Review of the Local Government Acts Taskforce	131
	6.2.13 Assessment of Quotations for New Plant	151
	6.2.14 Draft Pesticide Use Notification Plan	156
	6.2.15 Temporary Suspension of Alcohol Free Zone Kandos Hall, Angus Avenue Kandos	170
	6.2.16 Public Library Funding	172
	6.2.17 Review of Code of Meeting Practice	175
	6.2.18 Mudgee Saleyards Management Committee	177
	6.2.19 Gulgong Sports Council	180
	6.2.20 Mudgee Sports Council	183



---

Item 7: Urgent Business Without Notice .....	185
Item 8: Confidential Session	
Item 9: Open Council	

Item 1: Apologies

Item 2: Disclosure of Interest

In accordance with Section 451 of the Local Government Act 1993, Councillors should declare an interest in any item on this Agenda. If an interest is declared, Councillors should leave the Chambers prior to the commencement of discussion of the item.

Item 3: Confirmation of Minutes

### **3.1 Minutes of Ordinary Meeting held on 19 March 2014**

*COUNCIL DECISION:*

That the Minutes of the Ordinary Meeting held on 19 March 2014, Minute Nos 88/14 to 108/14 be taken as read and confirmed.

---

The Minutes of the Ordinary Meeting are attached overleaf.

## Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on Wednesday 19 March 2014, commencing at 5.35pm and concluding at 5.49pm

---

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JR Webb
IN ATTENDANCE	General Manager (WL Bennett), Director Mid-Western Operations (B Cam), Director Development and Community Services (C Van Laeren), Director Finance and Administration (B Exelby), Manager Governance (I Roberts), Assistant Executive Secretary (A Baker)
MEDIA REPRESENTATIVES	Radio 2MG (M Heldon)

### Item 1: Apologies

Apologies were received for the absences of Councillors Weatherley and White.

#### 88/14 MOTION: Shelley / Cavalier

That the apologies for the absences of Councillors Weatherley and White be received and leave of absence granted.

*The motion was carried with Councillors voting unanimously.*

### Award to a Councillor

#### 89/14 MOTION: Walker / Cavalier

Council congratulate Councillor Martens for her recent award for service to Local Government.

*The motion was carried with Councillors voting unanimously.*

### Item 2: Disclosure of Interest

*Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.1 as he is the owner of the property, subject to the planning proposal and report before Council.*

**Item 3: Confirmation of Minutes****90/14 MOTION: Cavalier / Walker**

**That the Minutes of the Ordinary Meeting held on 5 March 2014 (Minute Nos. 66/14 to 87/14) be taken as read and confirmed.**

*The motion was carried with Councillors voting unanimously.*

**Item 4: Matters in Progress**

*Noted.*

**Item 5: Mayoral Minute**

There is no Mayoral Minute.

**Item 6: General Business****6.2 REPORTS TO COUNCIL****6.2.1 PLANNING PROPOSAL 220 ULAN ROAD – CONSIDERATION OF SUBMISSIONS**

Councillor Kennedy declared a pecuniary conflict of interest in this matter, as he is the owner of this property, subject to the planning proposal, vacated the chair and left the meeting at 5.38pm, and did not participate in discussions or vote in relation to this matter. In his absence, Councillor Cavalier assumed the chair.

GOV400038, A0420258

**91/14 MOTION: Shelley / Walker**

**That:**

- 1. the report by the Manager Strategic Planning on the Planning Proposal 220 Ulan Road – Consideration of Submissions be received;**
- 2. Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to reduce the minimum lot size in respect to Lot 1 DP 1000182, 220 Ulan Road from 4000m<sup>2</sup> to 2000m<sup>2</sup> and that the plan be made subject to the Opinion issue by Parliamentary Counsel.**

The motion was put and carried on the casting vote of the Chairman of the meeting, with Councillors voting as follows:

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Martens		✓
Cr Shelley	✓	

Mid-Western Regional Council

Date: 19 March 2014

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Thompson		✓
Cr Walker	✓	
Cr Webb		✓

Councillor Kennedy returned to the meeting at 5.40pm and resumed the chair.

#### 6.2.2 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400038

**92/14 MOTION: Shelley / Cavalier**

**That the report by the Director, Development and Community Services on the Monthly Development Applications Processing & Determined be received.**

*The motion was carried with Councillors voting unanimously.*

#### 6.2.3 CAERLEON MUDGEES PROJECT ISSUES

GOV400038, F0740000

**93/14 MOTION: Cavalier / Shelley**

**That:**

- 1. the report by the General Manager on the Caerleon Mudgee project issues be received;**
- 2. Council defer the request from Caerleon Mudgee to financially contribute towards the cost of the Spine Road for the Caerleon subdivision until the completion of the first 50 allotments and Council consider all options available to it for funding the Spine Road;**
- 3. the General Manager be given delegated authority to negotiate with Caerleon Mudgee a 12 month deferral of the DSP charges payable by Caerleon Mudgee for their development generally in accordance with the same parameters as contained within the agreed Voluntary Planning Agreement.**

*The motion was carried with Councillors voting unanimously.*



**6.2.4 MONTHLY STATEMENT OF BANK BALANCES AND  
INVESTMENTS AS AT 28 FEBRUARY 2014**

GOV400038, A0100056, A0140304

**94/14 MOTION: Cavalier / Shelley****That:**

- 1. the report by the Manager, Financial Planning on the Monthly statement of bank balances and investments as at 28 February 2014 be received;**
- 2. the certification of the Responsible Accounting Officer be noted.**

*The motion was carried with Councillors voting unanimously.***6.2.5 ESSENTIAL ENERGY – PROPOSAL TO GIFT ALLOTMENT 1  
DP 1178967 TO COUNCIL**

GOV400038, P1973511

**95/14 MOTION: Walker / Cavalier****That:**

- 1. the report by the Revenue & Property Manager on Essential Energy - Proposal to Gift Allotment 1 DP 1178967 to Council be received;**
- 2. Council accept Essential Energy's proposal to gift Allotment 1 DP 1178967 to Mid-Western Regional Council;**
- 3. The General Manager be authorised to sign all necessary documentation in relation to the transfer of Allotment 1 DP 1178967 into Mid-Western Regional Council's ownership;**
- 4. Council authorises the affixing of the Common Seal to all documents necessary to complete the transfer of Allotment 1 DP 1178967 into Mid-Western Regional Council's ownership;**
- 5. Council pay its own legal costs for the transfer of the ownership of the land, the total amount of which is to be reimbursed to Council by the Rural Fire Service upon completion of the transfer;**
- 6. upon transfer of title of Allotment 1 DP 1178967, Council notify the public of its intention to classify the land as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the land be so classified as Operational;**

7. Council publicly acknowledge Essential Energy's commitment to contributing to the safety of the community and appreciation of the services provided by the NSW Fire Service to the community of Gulgong.

*The motion was carried with Councillors voting unanimously.*

#### 6.2.6 ADA FINANCIAL ASSISTANCE REQUEST

GOV400038, A0140402

96/14 MOTION: Shelley / Martens

That:

1. the report by the General Manager on the ADA Financial Assistance request be received;
2. Council makes a grant of \$2,636 to ADA Cottage to fund their recent development application and that an adjustment be made at the March Quarterly Budget Review to allow for this grant;
3. Council provide financial assistance to the Kandos Rylstone Boxing in the amount of \$1,000 fro Councillor Shelley's discretionary funds.

*The motion was carried with Councillors voting unanimously.*

#### 6.2.7 NAMING OF UNNAMED STREETS IN THE RIDGE ESTATE SUBDIVISION

GOV400038, R0790141

97/14 MOTION: Cavalier / Martens

That:

1. the report by the Revenue & Property Manager on the Naming of unnamed streets in The Ridge Estate subdivision be received;
2. Council name road no 1 Hughson Avenue and road no 2 Rowe Street.

*The motion was carried with Councillors voting unanimously.*

**6.2.8 TENDER ASSESSMENT 2013-16 CHEMICAL SUPPLY  
HERBICIDES AND PESTICIDES**

GOV400038, A0100056, COR400051

**98/14 MOTION: Shelley / Cavalier****That:**

- 1. the report by the Business Manager Resources & Recreation on the Tender Assessment 2013-16 for the provision of Chemical Supply Herbicides and Pesticides be received;**
- 2. Council accepts the tenders from the following companies to form a supply list for the provision of herbicide and pesticide chemicals:**
  - Landmark Mudgee**
  - Mudgee CRT Centre**
  - Globe Growing Solutions**
  - Living Turf**

*The motion was carried with Councillors voting unanimously.***6.2.9 NOXIOUS WEEDS ADVISORY COMMITTEE**

GOV400038, ENV200017

**99/14 MOTION: Shelley / Walker****That:**

- 1. the report by the Noxious Weeds Administrator on the Noxious Weeds Advisory Committee be received;**
- 2. the minutes of the Noxious Weeds Advisory Committee held on Monday 3 March 2014 are noted.**

*The motion was carried with Councillors voting unanimously.***6.2.10 QUARTERLY REPORT ON THE WORKERS COMPENSATION  
PREMIUM**

GOV400038, A0100056, A0205004

**100/14 MOTION: Cavalier / Walker****That the report by the Manager People & Culture being a Quarterly Report on the Workers Compensation Premium be received.***The motion was carried with Councillors voting unanimously.*

6.2.11 ANTI-DISCRIMINATION AND EQUAL EMPLOYMENT  
OPPORTUNITY POLICY AND WORKPLACE BULLYING  
POLICY

GOV400038, A0100021

101/14 MOTION: Shelley / Cavalier

That:

1. the report by the Manager, People and Culture on the Anti-Discrimination and Equal Employment Opportunity Policy and Workplace Bullying Policy be received;
2. Council adopt the Anti-Discrimination and Equal Employment Opportunity Policy and the Workplace Bullying Policy.

*The motion was carried with Councillors voting unanimously.*

6.2.12 REVIEW OF POLICY ON PAYMENT OF EXPENSES AND  
PROVISION OF FACILITIES TO COUNCILLORS

GOV400038, A0110001

102/14 MOTION: Shelley / Cavalier

That:

1. the report by the Manager Governance on the Review of Policy on Payment of Expenses and Provision of Facilities to Councillors be received;
2. Council formally adopt the proposed amendments to its policy on the Payment of Expenses and Provision of Facilities to Councillors.

*The motion was carried with Councillors voting unanimously.*

**Item 8: Confidential Session****103/14 MOTION: Shelley / Walker****That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.**

Following the motion to close the meeting being moved and seconded, the Manager Governance announced that the following matters would be considered in confidential session and the reason why they were being dealt with in this way.

**Subject: General Manager's Performance Review 2013-2014**

*The reason for dealing with this matter confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) and in accordance with Section 10A(2)(a) of the Local Government Act, 1993.*

**Subject: Property Sale and Playground Purchase**

*The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.*

*Discussion of this matter in an open meeting would be, on balance, contrary to public interest as it could prejudice Council's negotiations.*

Following an enquiry from the Mayor, the Manager Governance advised that there were no written representations in respect of these matters and that no person in the gallery wished to make verbal representations.

*The motion was carried with Councillors voting unanimously.*

**8.1.1 General Manager's Performance Agreement**

GOV400038, A0381421

**104/14 MOTION: Walker / Shelley****That the report by the General Manager on the General Manager's Performance Agreement for the first eight months of the 2013/14 be received.**

*The motion was carried with Councillors voting unanimously.*



## Urgent Business Without Notice

### 8.1.2 Property Sale and Playground Purchase

GOV400038, P2215711, P2106111

105/14 MOTION: Webb / Cavalier

That this matter be dealt with as urgent business without notice.

*The Mayor having ruled the matter to be of great urgency, the motion was put and carried with Councillors voting unanimously.*

### 8.1.2 Property Sale and Playground Purchase

GOV400038, P2215711, P2106111

106/14 MOTION: Webb / Cavalier

That:

1. the report by the General Manager on the Property Sale and Playground Purchase;
2. Council purchases Lot 11 DP 1182613 being 10 Doug Gudgeon Drive, Mudgee for the sum of \$150,000 from Section 94 monies collected for the provision of playground facility in Mudgee South, and that the Operation and Delivery Plan for 2013/14 year be amended accordingly;
3. Council sells to Mr Gus Gudgeon Lot 19 DP 1165148 being 35-39 Depot Road, Mudgee for the sum of \$150,000 with the proceeds being credited to the Land Development Reserve Fund and that the Operation and Delivery Plan for 2013/14 year be amended accordingly;
4. the Mayor and General Manager be authorised to sign all documentation to complete the purchase in clause 2 above and the sale in clause 3 above and also be authorised to affix the common seal to any documentation if required;
5. Each party involved with these transactions pays for their own legal costs.

*The motion was carried with Councillors voting unanimously.*

**Item 9: Open Council****107/14 MOTION: Cavalier / Webb****That the Council move to Open Council.***The motion was carried with Councillors voting unanimously.*

The Manager Governance announced the decisions taken in Confidential Session.

**Closure**

There being no further business the meeting concluded at 5.49pm.

## Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Rylstone/ Kandos Sewerage Augmentation	S.85/10 Assets Mtg 1/12/10	That: 2. Council commence negotiations with the Department of Environment, Climate Change and Water to defer construction of a new Treatment Plant at Kandos until funds become available under the Country Town Water and Sewerage Scheme; 3. staff review options to stage the proposed works in this region to improve the affordability of the augmentation required to meet effluent discharge quality requirements.	<b>The first report on this matter will be presented to the next meeting of Council</b>
Quarry Road – Kandos	Res. 64/12 Ordinary Mtg 15/2/2012	That consideration of this matter be deferred until discussions with Cement Australia have been completed.	<b>No determination as yet.</b>
Old Gulgong Hospital	Res. 46/14	That Council support in principle the retention of the Gulgong Hospital building and defer the matter pending the decision of State Government	<b>Awaiting the State Governments preferred course of action and/or decision</b>
Independent Local Government Review Panel Response	Res. 60/14	That Council defer endorsing a submission on the NSW Local Government Independent Review Panel as State Government has extended submissions by one month and Council has been invited to attend a forum on this matter in March.	<b>This matter is included in this business paper</b>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Review of the Local Government Acts Taskforce	Res. 61/14	That Council defer endorsing a submission on the Review of the Local Government Acts Taskforce as State Government has extended submissions by one month and Council has been invited to attend a forum on this matter in March.	<b>This matter is included in this business paper</b>
Protect the Drip Gorge	Res. 65/14	That Council defers this matter until the report is received from the Committee that is reviewing the future ownership and management of The Drip.	<b>Awaiting the findings of the committee investigating this matter</b>
Code of Conduct Review	Res. 85/14	That Councillor Thompson is required to provide a written apology to the elected Council for his conduct at the Council meeting on 4 December 2013.	<b>No written apology received at the time of preparation of this business paper.</b>

## Item 5: Mayoral Minute

---

There is no Mayoral Minute.



## Item 6: General Business

---

### **6.1 Notices of Motion**

---

There are no Notices of Motion.

## 6.2 Reports

### 6.2.1 DA0273/2014 – Proposed Staged 26 Lot Residential Subdivision, Lot 1 DP 1176841, 4- 8 Perry Street, Mudgee

REPORT BY THE MANAGER, STATUTORY PLANNING TO 2 APRIL 2014 COUNCIL MEETING  
DA0273\_2014\_Perry Street  
GOV400038, DA0273/2014

#### RECOMMENDATION

That:

1. the report by the Manager Statutory Planning Manager, Statutory Planning on DA0273/2014 – Proposed Staged 26 Lot Residential Subdivision, Lot 1 DP 1176841, 4- 8 Perry Street, Mudgee be received;
2. Council approve DA0273/2014 – Proposed Staged 26 Lot Residential Subdivision, Lot 1 DP 1176841, 4- 8 Perry Street, Mudgee subject to the following conditions:

#### APPROVED DEVELOPMENT

1. Development is to be carried out generally in accordance with stamped plans (Drawing Number 20708-C01/C01/C03) and Statement of Environmental Effects dated February 2014 by Barnson Pty Ltd except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

#### AMENDMENT

2. The location of the stormwater outlet as depicted in Proposed Service Plan – Drawing 20708-C04, Rev A dated 18/11/09, prepared by Barnson is to be redesigned so that it complies with the NSW Guidelines for Stormwater Outlets. The outlet structure shall be located on a straight section of the watercourse and pointing in a downstream direction.

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
4. A further phase 2 Environmental Assessment is to be undertaken on the site and remediation occurs in accordance with a Remedial Action Plan. Upon completion of the investigation and remediation works, a site validation report is to be provided to Council stating that the land is suitable to be used for residential purposes.

5. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
6. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
7. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council as an interested party.
8. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.
9. A detailed engineering design (including sediment and erosion control) supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a Construction Certificate.
10. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
11. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
12. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
13. Engineering plans of the water and sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a Construction Certificate  
Note 1: Council will quote on connecting any sewer or water main extension to the existing "live" main on receipt and approval of engineering plans.  
Note 2: Council does not permit other bodies to insert new junctions or connections into 'live' mains.
14. The developer is to grant Council (or an *Accredited Certifier* on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.

15. **The subdivision works are to be inspected by the Council to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:**
  - **Installation of sediment and erosion control measures**
  - **Water and sewer line installation prior to backfilling**
  - **Establishment of line and level for kerb and gutter placement**
  - **Road and driveway pavement construction (including excavation, formwork and reinforcement)**
  - **Road pavement surfacing**
  - **Practical completion**
16. **The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.**
17. **The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5 year ARI. All storm water detention details including analysis shall be included with the drainage report.**
18. **The drainage report is to include water quality treatment devices meeting targets as stipulated in the DCP and full details of compliance are to be provided with the Construction Certificate.**
19. **All utilities and services including telecommunications, water and sewer reticulation, street lighting shall be installed prior to pavement construction.**
20. **Prior to commencement of works, the submission of three road names/road in order of preference, for the proposed two (2) new roads within the subdivision, are to be submitted to Council for approval.**

#### **Stormwater Drainage**

21. **A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.**
22. **All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.**
23. **Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.**

**Roads, Kerbs and Vehicular Access**

24. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
25. A 'Give-Way' sign with associated line marking shall be installed at the intersection of Short and Perry Street pursuant with AS1724.2:2009 Manual of Uniform Traffic Control Devices and the RMS *Delineation Manual*.
26. The developer is to upgrade Perry Street for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Road Reserve Width	12m
Pavement Width	8m
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Nature Strip (x1)	4.5 m
Kerb & Gutter	Roll concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

27. The new roads in the subdivision are to be constructed in accordance with the following:

**Road 2/3: Secondary Roads**

Item	Requirement
Road Reserve Width	16 m
Pavement Width	8 m
Nature Strip (x2)	4 m
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

**Earthworks**

28. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.  
Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.
29. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water;
  - maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.



## Water and Sewer

30. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act,1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
31. The applicant is to provide separate water and sewer reticulation services to each lot.
32. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

## Prior to the issue of the subdivision certificate

33. Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office.  
Note: The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges
34. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
35. If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
36. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
37. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
  - A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
  - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
  - an agreement be made between the developer and Council;
    - as to the security to be given to Council that the works will be completed or the contribution paid, and
    - as to when the work will be completed or the contribution paid.
38. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "Autocad compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting

Engineer’s or Consulting Surveyor’s certification stating that all information shown on the plans is accurate.

39. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

40. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

<b>Transport Management</b>	
Traffic Management	\$28,463
<b>Open Space</b>	
Local Open Space	\$44,654
District Open Space	\$60,588
<b>Community Facilities</b>	
Library Buildings	\$5,847
Library Resources	\$7,003
<b>Administration</b>	
Plan Administration	\$13,621
<b>TOTAL</b>	<b>\$160,175</b>

41. The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:

(a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$ 144,599
Sewerage Headworks	\$ 67,700
<b>Total Payable</b>	<b>\$ 212,299</b>

(b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

42. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

OR

Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370.00 per lot to cover the cost of a 20mm meter and installation.

Note: Council does not permit other bodies to connect to ‘live’ water mains.

43. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.
44. Where the developer is to construct the sewer main to service a lot, the developer is to provide a new junction for each allotment.  
**Note:** Council does not permit other bodies to insert new junctions into "live" sewer mains.
45. Any proposed fencing on the northern boundary of proposed lots 22 to 26 is to be constructed of a lapped and capped 1.8 metre high timber fence. A positive covenant is to be placed on the title of the lots in accordance with the Conveyancing Act.
46. All earthworks are to be monitored by a qualified cultural heritage officer and a minimum of one (1) weeks' notice given to the engaged officer.
47. The developer is to provide a 1.8 metre high fence along the full length of the western boundary at full cost to the developer. The fence is to provide a screen between the two developments but must also allow the passage of flood waters. Details are to be provided with the application for Construction Certificate.
48. Proposed lot 6 is to access from Perry Street. A positive covenant is to be created for each allotment in accordance with the Conveyancing Act enforcing this requirement.

#### Flood Conditions

49. Any future dwellings are to have a Finished Floor Level (FFL) of 500mm above the 1 in 100 year flood level. A positive covenant is to be created for each allotment in accordance with the Conveyancing Act enforcing this requirement and stipulating a minimum FFL of 449.5m AHD.
50. All fencing below the 1 in 100 year flood level (449m AHD) shall be designed so to allow the passage of water in the event of a flood. A positive covenant is to be created for each allotment in accordance with the Conveyancing Act enforcing this requirement.
51. Filling of the proposed lots is not permitted and all future development is to be of a raised floor construction with open or semi open sub floor construction. A positive covenant is to be created for each allotment in accordance with the Conveyancing Act enforcing this requirement.

**GENERAL TERMS OF APPROVAL for work requiring a controlled activity approval under s91 of the Water Management Act 2000**

<b>Our Reference:</b>	<b>80 ERM2014/0161</b>	<b>File No:</b> 9057799
<b>Site Address:</b>	<b>4-8 Perry Street, Mudgee NSW 2850</b>	
<b>DA Number:</b>	<b>2014/0273</b>	
<b>LGA:</b>	<b>Mid-Western Regional Council</b>	

<b>Number</b>	<b>Condition</b>
---------------	------------------

	<b>Plans, standards and guidelines</b>
--	--

- |   |  |
|---|--|
| 1 | These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 2014/0273 and provided by Council: |
|---|--|

<b>Our Reference:</b>	<b>80 ERM2014/0161</b>	<b>File No:</b> 9057799
<b>Site Address:</b>	<b>4-8 Perry Street, Mudgee NSW 2850</b>	
<b>DA Number:</b>	<b>2014/0273</b>	
<b>LGA:</b>	<b>Mid-Western Regional Council</b>	
<b>Number</b>	<b>Condition</b>	
	(i) Site plan, map and/or surveys	
	Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.	
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.	
3	The consent holder must prepare or commission the preparation of:	
	(i) Works Schedule	
	(ii) Erosion and Sediment Control Plan	
	(iii) Soil and Water Management Plan	
	(iv) Structural design and specifications	
	Amendment of Plan – Drawing Proposed Service Plan - Drawing20708-C04, Rev A dated 18/11/09, prepared by Barnson to relocate Stormwater outlet to be inline with the NSW Office of Water Guidelines for Stormwater Outlets.	
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a>	
	(i) Laying pipes and cables in watercourses	
	(ii) Outlet structures	
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.	
	<b>Rehabilitation and maintenance</b>	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.	
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.	
	<b>Reporting requirements</b>	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.	
	<b>Security deposits</b>	
9	N/A	
	<b>Access-ways</b>	
10	N/A	
11	N/A	

---

<b>Our Reference:</b>	<b>80 ERM2014/0161</b>	<b>File No:</b> 9057799
<b>Site Address:</b>	<b>4-8 Perry Street, Mudgee NSW 2850</b>	
<b>DA Number:</b>	<b>2014/0273</b>	
<b>LGA:</b>	<b>Mid-Western Regional Council</b>	

---

<b>Number</b>	<b>Condition</b>
<b>Bridge, causeway, culverts, and crossing</b>	
12	N/A
13	N/A
<b>Disposal</b>	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
<b>Drainage and Stormwater</b>	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
<b>Erosion control</b>	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
<b>Excavation</b>	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
19	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
<b>Maintaining river</b>	
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
21	N/A
<b>River bed and bank protection</b>	
22	N/A
23	N/A
<b>Plans, standards and guidelines</b>	
24	N/A
25	N/A
26	N/A
27	N/A
<b>END OF CONDITIONS</b>	

---

## Executive summary

Applicant:	Barnson Pty Ltd
Estimated cost of development:	Not applicable
Reason for reporting to council:	Councillor application Variation to DCP 2013 Number of lots exceeds staff delegation Two submissions
Public submissions:	2

The proposed development relates to a Staged 26 lot residential subdivision. The subdivision is located to the north of the Mudgee Business Centre and to the south of the Cudgegong River.

Six (6) lots will front Short Street and the remainder of the lots will gain vehicular access via a proposed new road which includes two cul-de-sacs. The proposed new road will involve the forming of the road reserve that adjoins the site to the East. The lots range in size from 600m<sup>2</sup> to 640m<sup>2</sup>.

The proposed development has been assessed in accordance with Council's Development Control Plan (DCP), specifically 5.2 Flooding and 7.1 Urban Subdivision. The proposed subdivision is considered generally consistent with the DCP.

The application was notified to adjoining land owners and an advertisement placed in the local press accordance with Part 1.10 of the DCP. The exhibition period concluded 10 March 2014 and two submissions were received. The submissions have been attached and discussed in the body of the report.

The application was referred to the NSW Office of Water and Roads and Maritime Services (RMS). Both of these Stage government Departments have provided advice that supports the application subject to some conditions of consent.

The application is reported to Council due to the land being owned by a Councillor, the number of lots exceed staff delegation, a variation to Council's DCP is required and there are two submissions.

## Detailed report

### *1. REQUIREMENTS OF REGULATIONS AND POLICIES:*

#### **Mid-Western Regional Local Environmental Plan 2012 (LEP)**

The land is split zoned R1 General Residential and RE1 Public Recreation pursuant to the Mid-Western Regional Local Environmental Plan 2012. The proposal can be achieved and is consistent with Clause 4.1 Minimum subdivision lot size of the LEP, discussed in detail below.

The land is affected by a very small piece of RE1 Public recreation zone adjacent to the northern boundary. The degree of land affected by this zone is approximately 6 metres on the western boundary and drops back to zero as you move along the boundary to the eastern boundary.

Dwellings are not permitted in this zone; however it appears as though the lot dimensions were incorrect at the time of the drafting of the LEP. Irrespective of whether the zone boundary was intended or not, the subdivision is permissible and any future dwellings are unlikely to be located within 6 metres or less of the rear boundary.

The Zone Objectives have been considered below -

## **1 Objectives of zone**

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The subdivision will deliver lots that will allow for future development of dwellings in turn providing for the housing needs of the community. The lots are of a size to allow the future development of single dwellings and attached dual occupancy.

The relevant Clauses of the LEP have been considered below:

### *Clause 4.1 Minimum subdivision lot size*

The lot sizes range from 600m<sup>2</sup> to 640m<sup>2</sup>. Council's DCP requires the following setbacks for single dwellings and dual occupancy; 4.5m to the building line, 5.5m to the garage, 900mm to the side and rear boundaries and 2m to the side boundary for corner lots. It is considered these setbacks can be achieved on the proposed lots facilitating future residential development.

All lots are above the minimum size shown on the Lot Size Map.

### *Clause 5.10 Heritage conservation*

The subject site is located within the Mudgee Heritage Conservation Area and the nearest heritage items are located in Market Street. It is anticipated the key visual impact will be the roads and future dwellings.

The adjacent heritage items present to Market Street and therefore are unlikely to have any significant impact on the character of these items. The subdivision would not have any direct impact on the heritage items or the Conservation Area but it does facilitate the development of future dwellings.

The proposed subdivision is unlikely to have a detrimental impact upon the Heritage Conservation Area.

### *Clause 6.1 Salinity*

The site is not mapped as being subject to salinity; however the Mid-Western Local Government Area is generally prone to dry land salinity. The proposed subdivision would not alter the salinity risk associated with the development.

### *Clause 6.2 Flood Planning*

The land is affected by flooding up to and including the 1 in 100 year flood event. The land is mapped as being affected by the High and Medium hazard mapping. The majority of the site is affected by medium hazard flooding with only the rear portion of the site affected high hazard flooding. The natural ground levels are between 448m AHD and 448.5m AHD. The 1 in 100 year flood level is between 448.5m AHD and 449m AHD which indicates that the flood planning level (1 in 100 year flood event) is approximately 500mm above the natural ground level.

Council's DCP requires that finished floor levels (FFL) are to be 500mm above the flood planning level and therefore all future dwellings will need to be up to 1 metre above the natural ground level. Council's DCP also prohibits the subdivision of land within the high hazard flood precinct.

The development application is accompanied by a flood study that was carried out in July 2009 as part of the rezoning of the land. This study included a 2D model to better understand the flood characteristics of the area. The model concluded that there would be minimal impact on adjoining properties even with the ground level of the site being raised to the 100 year flood level. Downstream impacts would be reduced whilst there would be some increase in flood levels upstream. Most of the upstream impacts are less than 20mm; however there are some changes in levels between 50 – 80mm immediately to the east of the development site.

The current development is not proposing a wholesale filling of the site and instead would require that all dwellings are constructed to the relevant standard; 449.5m AHD. This is likely to have a lesser impact on the floodplain.

The Flood Study also revised the high hazard flood precinct identified by Council's Floodplain Management Study in 2002. The revised high hazard flood boundary is located further to the north of the site (closer to the river) and is consistent with the zoning of the land such that the residential zoning is located in the medium hazard flood precinct and the public recreation zone is in the high hazard flood precinct.

It is therefore considered that the development is acceptable from a flood hazard subject to conditions related to the finished floor levels (FFL) of future dwellings.

#### *Clause 6.3 Earthworks*

The development is not proposing any additional earthworks in terms of filling land other than that what is necessary for construction purposes such as road pavement. The development is considered acceptable and compatible with the provisions of this clause.

#### *Clause 6.4 Groundwater Vulnerability*

The development is affected by groundwater vulnerability but it is not anticipated that the development would increase the risk of groundwater contamination or affect groundwater systems.

#### *Clause 6.9 Essential Services*

Development consent must not be granted unless the consent authority is satisfied that essential services for the proposed development are available or that adequate arrangements have been made to make them available when required. Due to the sites urban location and suitable conditions included within the recommendation this Clause can be satisfied.

### **SEPP 55 – Remediation of Land**

The application is benefited by a phase 2 Environmental assessment regarding previous land use history and the potential for contamination risk. The development site has been subject to filling and a number of land uses that may have increased contamination risk. The report identified a few samples that exceeded assessment criteria such as lead. The report recommended that remediation works be carried out and that a site validation be issued stating that the development is suitable for residential purposes.

The assessment was carried out in 2007 and therefore it is proposed to require further assessment, remediation and a site validation prior to the issue of the Construction Certificate.

### **SEPP (Infrastructure) 2007**

The development fronts a classified road and Clause 101 of the SEPP requires consultation with the Roads and Maritime Services (RMS). The application was referred to the RMS as the



subdivision proposes new vehicular access onto Short Street and a new road. The comments provided will be included as conditions within the recommendation.

The comments raised by the RMS include;

- Lot 6 to be accessed via Perry Street;
- Consideration of an intersection treatment for Perry and Short Streets;
- Turning paths for service vehicles should be checked.

These comments have been incorporated into the Recommendation.

### Mid-Western Regional Development Control Plan 2012 (DCP)

#### Part 7 - Urban Subdivision

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
Applies to	- land zoned residential - village zones - rural residential lots up to 2 hectares	Yes, R1 and lots less than 2 hectares.
Lot size	- Minimum lot size as determined by MWRC LEP 2012 (600m <sup>2</sup> ).  - all lots have street frontage.  lots increase in size relative to slope as follows:  - 0-10 degrees: 600m <sup>2</sup> - 10-15 degrees: 700m <sup>2</sup> - 15-20 degrees: 800m <sup>2</sup> - >20: subdivision prohibited  - all lots have 16m width at building line in residential and village zones.  - battle-axe handles in R1, R3 & RU5 Village have width of 4m.  - battle-axe handles in R2 & R5 residential zones have width of 6m	Yes.  All lots have frontage to a public road  The slope of the land does not exceed 10 degrees.  Yes  There are no battle axe lots proposed
Lot Design	- For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development.  - For new release subdivision lot orientation maximises solar access by maximising north-south lots.  - For new release subdivision east-west orientated lots have	Infill development and solar access maximised.  N/A.  N/A.

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
	increased width and midpoint.	
	- Lots generally rectangular in shape.	The development includes a mix of rectangular and square allotments. It is envisaged that the square allotments are designed to permit (attached) dual occupancy development. This is considered acceptable as it promotes dual occupancy development with good frontages.
	- Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling.	Yes
	- corner lots have sufficient area to allow dual occupancy and independent utility connection points.	Yes
Street Layout & Design	- Traffic Impact statement submitted for 5+ lots	Assessment carried out by Council Engineering staff and RMS.
	- Traffic Impact Statement submitted for all subdivisions where new road required.	
	- Subdivision integrates with existing residential area.	Yes
	- New roads must provide "through road" connections to surrounding roads and road heads where they exist in the locality.	N/A.
	- Where cul-de-sac treatment unavoidable pedestrian linkages between streets provided.	Not considered necessary due to small length of cul-de-sac and proximity to road system.
	- multiple cul-de-sacs and "no through roads" discouraged.	Considered acceptable due to limited to yield and short length of road.
	- maximum number of lots in cul-de-sac is 12 lots.	Yes
	- Subdivision >80lots should not require backtracking.	N/A

<b>Part 7.1 Urban Subdivision</b>	<b>Requirement</b>	<b>Compliance/Comment</b>
Road Standards for New Development.	Urban Road Standards required.  1x1.2m footpath, barrier kerbing.  - Commercial & Industrial Subdivision Roads: 22m road reserve, 13m carriageway, 2x4.5m nature strip, 1x1.2m footpath, barrier /roll over kerbing.	Yes.  Yes
Cycle ways and footpaths	- Cycle ways and pedestrian networks included in new subdivisions.  -If subdivision site identified in council cycleway plan or pedestrian strategy subdivision needs to respond to strategy.  - New subdivisions provide direct, convenient and safe access to major facilities.  - Cul-de-sacs may be required to include 10m wide shared overland flow/pathway.  - Developer to provide contribution to council for installation of cycle ways and footpaths prior to release of subdivision certificate.	Development is adjacent an existing cycle network.  Yes  Yes  N/A  N/A
Open Space	- Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space.  - Where on-site detention basins double as open space must include raised level area which incorporates playground or fitness equipment etc and shading landscaping.	Yes  N/A
Landscaping	- Landscape plan provided detailing treatment of public domain.  - Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years.	N/A  N/A
Street Trees	- 2 street trees provided per lot.	Yes

<b>Part 7.1 Urban Subdivision</b>	<b>Requirement</b>	<b>Compliance/Comment</b>
	- Developer provides levy to council to provide these trees after 80% of works carried out.	N/A
Utility Services	- servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development.  - Evidence of consultation with relevant authorities submitted with application.	Lots to be connected to reticulated water, sewer, electricity and telecommunications.
Drainage	As per Section 5.3 Stormwater & Drainage.	N/A due to low density of development.
<b>Part 5.2 Flooding</b>	<b>Requirement</b>	<b>Compliance/ Comment</b>
Flood Risk Precincts	High and Medium Flood Risk	Subdivision not permitted in high hazard precinct. Study submitted that indicates that the lot is outside of the high hazard precinct. The study was done as part of the rezoning of the land and is consistent with the Residential zone under the LEP.
Development Control	Performance Criteria (a) The proposed development should not result in any increased risk to human life. (b) The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community. (c) The proposal should only be permitted where effective warning time and reliable access is available for the evacuation of an area potentially affected by floods, where likely to be required. (d) Development should not detrimentally increase the potential flood affectation on other development or properties.	Yes, future dwellings to be located above the 1 in100 year flood event plus freeboard.
Fill	Earthworks that change the nature of a watercourse and have the potential to affect upstream or downstream properties is not permitted.	Yes, no fill proposed.

Part 5.2 Flooding	Requirement	Compliance/ Comment
	This standard applies to watercourses in the high hazard flood risk precinct.	N/A
Development Application	Applications must include information which addresses all relevant controls listed above, and the following matters as applicable.	Yes
Survey Plan Details	Development applications for Flood Prone Land shall be accompanied by a survey plan showing:-	
	(a) The position of the existing building/s or proposed building/s;	Yes
	(b) The existing ground levels to Australian height datum around the perimeter of the building and contours of the site;	Yes
	(b) The existing or proposed floor levels to Australian height datum; and	Yes
	(c) A reliable access route, with regular levels to Australian Height Datum along the centreline of this route, wherever development is within a high or medium flood risk precinct.	Yes
	Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval of 0.25m) showing relative levels to Australian height datum.	N/A
Flood Study	For large scale developments, or developments in critical situations, particularly where an existing catchment based flood study is not available, a flood study using a fully dynamic one or two dimensional computer model may be required.	Yes
	For smaller developments the existing flood study may be used if available and suitable (eg it contains sufficient local detail), or otherwise a one dimensional steady state flood model would normally suffice. A flood study must demonstrate that the cumulative impact of a development on flood levels for up	N/A

Part 5.2 Flooding	Requirement	Compliance/ Comment
	and downstream properties is negligible.	

## 2. IMPACT OF DEVELOPMENT

### (a) Context and Setting

The proposed development consists of the subdivision of a 1.9 hectare allotment into 26 allotments of approximately 600m<sup>2</sup>. The development is located adjacent the Mudgee Business Centre and is considered to be in a great location for access to services and facilities.

The development site is located on the fringe of the Conservation Area and is surrounded by varied architecture of no distinct character.

The surrounding development includes park land, a caravan park, commercial buildings and a public car park. The Cudgegong River is also in close proximity to the north of the site.

The proposed development is considered acceptable and unlikely to create any significant issues.

The development is likely to impact on the caravan park in terms privacy and noise amenity for both users of the caravan park and the future inhabitants of the subdivision. It is therefore considered that the developer should provide a lapped and capped timber fence of 1.8m high construction as part of the subdivision works.

### (b) Access, transport and traffic

Access to the site is from Short Street and Perry Street. The application was referred to the RMS who has provided advice regarding the need for an intersection treatment, access for one lot to be via Perry Street and checking the turning paths of the cul-de-sacs.

The proposed development would not significantly impact on the road network and the local road network is considered to be capable of accepting traffic from the development subject to upgrade of Perry Street and the intersection.

### (c) Public domain

The land is adjacent to public land and it is important that these relationships are understood. The lots to the north of the development site (lots 22-26) will require fencing on the northern boundary and it is proposed to require a timber fence. Whilst the fence is not required with the subdivision a condition of consent and positive covenant will be required to advise future land purchasers.

### (d) Utilities

Reticulated water and sewer are available to the site. Water and sewer mains are required to be extended to service the development.

Electricity and telecommunication services can be connected to the subject site.

### (e) Heritage

There are several items of European heritage listed in MWRLEP 2012 in the locality and the development site is within the Mudgee Conservation Area. European Heritage has been discussed above in this report and it is not anticipated that the development would adversely impact on the Conservation Area.

A Cultural Heritage assessment was carried out on the subject site and an artefact identified outside of the development area. The report recommends monitoring during excavation works as the development site is considered to be a sensitive landscape adjacent the river.

**(f) Other land resources**

The development proposal would not alter the impact or effect on other land resources.

**(g) Water**

All lots will be capable of draining to the road and water quality treatment will be required as part of the drainage infrastructure. The development being so low in the catchment does not necessitate the need for onsite detention.

**(h) Soils**

Contamination risk and salinity have been addressed above in the report.

**(i) Air and Microclimate**

The development will not adversely affect air quality nor will the micro climate be adversely affected. During construction, there is the likelihood of limited impact, however this can be mitigated by dust suppression.

**(j) Flora & fauna**

The subject land has been cleared and is located in an urban area. There is no significant flora or fauna on the site.

**(l) Energy**

There are no energy concerns with this application. Proposed lots can be serviced with underground electricity.

**(m) Noise & vibration**

The subdivision is unlikely to significantly increase the noise impacts in the locality.

**(n) Natural Hazards**

The site is affected by flooding but is not affected by any other natural hazard. Flood risk has been addressed earlier in the report.

**(p) Safety, security and crime prevention**

All lots are designed to front the public roads and have an outlook to a public place providing security to both the houses and the public space.

**(q) Economic and Social impact in the locality**

The provision of new residential lots will provide additional housing choice in the Mudgee area.

**(s) Site design and internal design**

The development is designed to comply with Council's DCP 2013 including the provision of services and utilities.

### 3. SUITABILITY OF SITE FOR DEVELOPMENT

#### (a) Does the proposal fit in the locality?

The proposed development will alter the locality as the site has been largely vacant for some time. The impacts are considered positive and will provide greater housing choice closer to facilities and services.

#### (b) Are the site attributes conducive to development?

The subject site has two road frontages making the site conducive to the development.

### 4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

#### (a) Public Submissions

The application was notified to adjoining owners and advertised in the local newspaper with the public exhibition period ending on the 10 March 2014. Two submissions were received both raising concerns about flooding, ground levels, fill and lost opportunity for additional open space.

Submission	Staff Comment	Resolution
Flood impact	The flood impact of the development has been addressed previously in this report. The development does not include any additional filling of the land but will require that floor levels are above the 1 in100 year flood level.	Yes
Increase in ground levels	As above	Yes
fill	The site has been subject to filling and this has been assessed both from a contamination and flooding aspect.	Yes
Lost open space	The development is adjacent significant open space areas and further areas are not warranted.	Yes

#### (b) Submissions from public authorities

##### **NSW Office of Water**

The subject site adjoins the Cudgegong River; the proposal includes a stormwater outlet at the Cudgegong River. The application was referred to the NSW Office of Water, the following comment was made to ensure the natural environment is not impact upon:

*The Office of Water does not support the location of the stormwater outlet as depicted in Proposed Service Plan - Drawing20708-C04, Rev A dated 18/11/09, prepared by Barnson. A requirement of the NSW Guidelines for Stormwater Outlets is that the outlet structure is located on a straight section of the watercourse and is pointing in a downstream direction.*



The NSW Office of Water have also attached their General Terms of Approval (GTA's).

***Roads and Maritime Services***

The RMS have provided their comments and did not object to the development. They had three comments which included the consideration of a treatment for the intersection, access for lot 6 from Perry Street and adequate manoeuvring areas for serviced vehicles.

***Essential Energy***

Essential Energy alerted council and the applicant to the fact that there is an open wire overhead type power line and that extreme caution must be exercised during construction.

*5. THE PUBLIC INTEREST*

(a) Federal, State and local government interests and community interests

N/A

*6. CONSULTATIONS*

**(a) Health & Building.**

No objection subject to conditions included within the recommendation.

**(b) Development Engineer.**

No objection subject to conditions included within the recommendation.

Financial and Operational Plan implications

Not applicable.

## Community Plan implications

The assessment of the development application sits under theme 1 Looking after our Community, Goal 1.1 – A safe and Healthy Community.



GARY BRUCE  
MANAGER, STATUTORY PLANNING



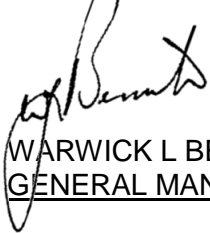
CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

24 March 2014

*Attachments:*

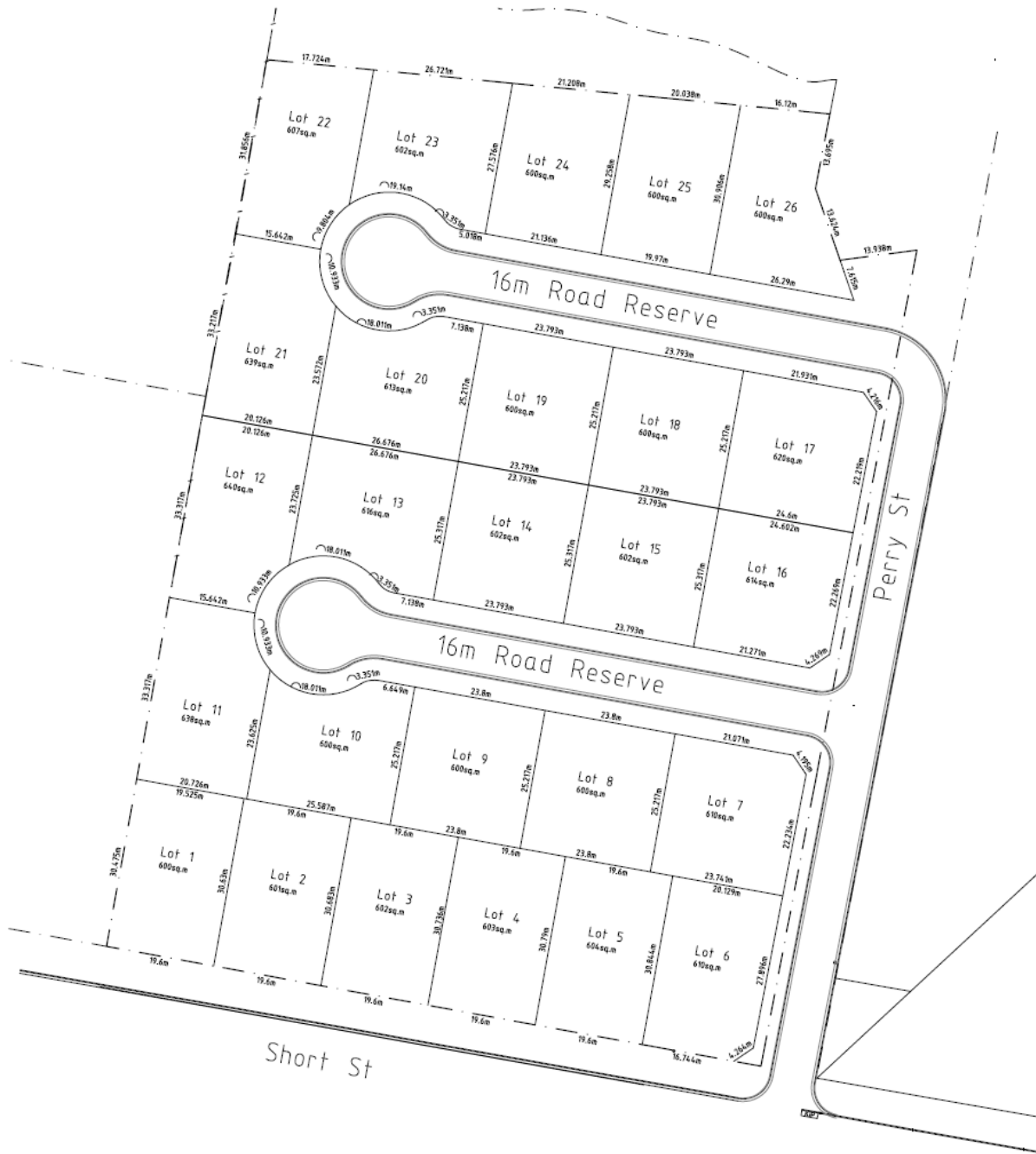
1. Locality Plan
2. Subdivision Plan
3. Public Submissions
4. Public Agency Submissions

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER





The General Manager

MID-WESTERN REGIONAL COUNCIL  
RECORDS  
RECEIVED  
- 7 MAR 2014  
 SCANNED  
 REGISTERED

7th March, 2014.  
53 Pitts Lane  
Mudgee NSW 2850

Mid-Western Regional Council,  
P.O. Box 156,  
Mudgee NSW 2850.

MID-WESTERN REGIONAL COUNCIL  
RECEIVED  
07 MAR 2014  
CUSTOMER SERVICE CENTRE

Re: Development App. DA 0273/2014.  
1 lot into 26 lots - 4-8 Perry St. Mudgee.  
Lot 1. D.P. 1176841.

Dear Sir,

My objection to the proposed development is the raising of the ground level, that will impact the flooding of my property.

It can be noted the flood water has not gone through my home in 48 years.

There is evidence of building up the development with cement blocks & soil.

Perhaps a levy bank on my side, may be the answer.

Thanking you in anticipation  
BARBARA NELSON.  
B Nelson

16 Lower Piamboong Road  
Menah 2850.  
10/3/2014

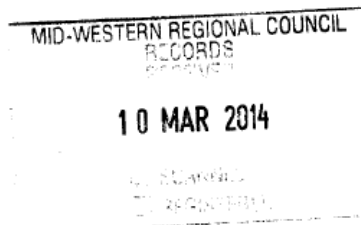
Development of Lots 4 - 8 Perry Street.

It is disappointing that this parcel of land could not be resumed for the purpose of continuing the riverside parkland.

Areas such as this will become increasingly valuable for public space with the expansion of the town.

A further concern is the potential for flooding, which is not conducive to a built-up area in this location. I note this is a major consideration in the approval process.

Yours sincerely  
Pat Dickins







Contact: Jeanette Nestor  
Phone: 02 6841 7447  
Fax: 02 6884 0096  
Email: Jeanette.nestor@water.nsw.gov.au  
Our ref: 80 ERM2014/0161  
Our file: 9057799  
Your ref: 2014/0273

The General Manager  
Mid-Western Regional Council  
PO Box 156  
Mudgee NSW 2850

Attention:

19 March 2014

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval**  
**Dev Ref: 2014/0273**  
**Description of proposed activity: Stormwater outlet**  
**Site location: 4-8 Perry Street, Mudgee NSW 2850**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water does not support the location of the stormwater outlet as depicted in Proposed Service Plan - Drawing 20708-C04, Rev A dated 18/11/09, prepared by Barnson. A requirement of the NSW Guidelines for Stormwater Outlets is that the outlet structure is located on a straight section of the watercourse and is pointing in a downstream direction.
- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

-2-

- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

**The attached GTA are not the controlled activity approval.** The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

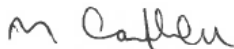
Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)      [Water licensing](#) > [Approvals](#) > [Controlled activities](#)

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Mark Campbell  
Water Regulation Officer  
Office of Water - Central/Far West



## General Terms of Approval

for work requiring a controlled activity approval  
under s91 of the Water Management Act 2000

<b>Our Reference:</b>	80 ERM2014/0161	<b>File No:</b> 9057799
<b>Site Address:</b>	4-8 Perry Street, Mudgee NSW 2850	
<b>DA Number:</b>	2014/0273	
<b>LGA:</b>	Mid-Western Regional Council	

Number	Condition
<b>Plans, standards and guidelines</b>	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 2014/0273 and provided by Council:</p> <p>(i) Site plan, map and/or surveys</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Works Schedule</p> <p>(ii) Erosion and Sediment Control Plan</p> <p>(iii) Soil and Water Management Plan</p> <p>(iv) Structural design and specifications</p> <p>Amendment of Plan – Drawing Proposed Service Plan - Drawing20708-C04, Rev A dated 18/11/09, prepared by Bamson to relocate Stormwater outlet to be inline with the NSW Office of Water Guidelines for Stormwater Outlets.</p>
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a></p> <p>(i) Laying pipes and cables in watercourses</p> <p>(ii) Outlet structures</p>
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>
<b>Rehabilitation and maintenance</b>	
6	<p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved</p>

**Our Reference:** 80 ERM2014/0161 **File No:** 9057799  
**Site Address:** 4-8 Perry Street, Mudgee NSW 2850  
**DA Number:** 2014/0273  
**LGA:** Mid-Western Regional Council

Number	Condition
	by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
<b>Reporting requirements</b>	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
<b>Security deposits</b>	
9	N/A
<b>Access-ways</b>	
10	N/A
11	N/A
<b>Bridge, causeway, culverts, and crossing</b>	
12	N/A
13	N/A
<b>Disposal</b>	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
<b>Drainage and Stormwater</b>	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
<b>Erosion control</b>	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
<b>Excavation</b>	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
19	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

209 Cobra Street, Dubbo NSW 2830 PO Box 717 Dubbo NSW 2830 Australia  
 t + 61 2 68417477 | e information@water.nsw.gov.au | ABN 72 189 919 072  
 170912

**Our Reference:** 80 ERM2014/0161 **File No:** 9057799  
**Site Address:** 4-8 Perry Street, Mudgee NSW 2850  
**DA Number:** 2014/0273  
**LGA:** Mid-Western Regional Council

Number	Condition
	been authorised, other than in accordance with a plan approved by the NSW Office of Water.
<b>Maintaining river</b>	
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
21	N/A
<b>River bed and bank protection</b>	
22	N/A
23	N/A
<b>Plans, standards and guidelines</b>	
24	N/A
25	N/A
26	N/A
27	N/A
<b>END OF CONDITIONS</b>	



**Transport**  
Roads & Maritime  
Services

WST14/00003

General Manager  
Mid Western Regional Council  
PO Box 156  
MUDGEE NSW 2850



Dear Sir

**DA0223/2014: 4-8 Perry Street, Mudgee; Subdivision**

Thank you for your letter received 10 January 2014 referring the above development application to Roads and Maritime Services. It is noted that the proposal includes 9 new accesses to Short Street (Main Road 208). Under *State Environmental Planning Policy (Infrastructure) 2007* Clause 101 'Development with frontage to classified road'. Council is required to consider, where practical, that access is provided other than from a classified road. The submitted documentation does not provide a justification for new accesses to Short Street.

The information submitted in support of the application has been reviewed and the following comments are provided for consideration:

- Vehicular Access to lots 8 and 9 should be provided via Perry Street rather than Short Street.
- The intersection of the new length of Perry Street is proposed to be offset from the existing rather than as a direct cross intersection. The narrow width of Short Street near Big W is also likely to restrict through traffic if vehicles stop to turn into the development. Roads and Maritime is concerned that the additional traffic generated by the development may cause additional conflicts at the intersection. Consideration should be given to intersection treatments to minimise conflicts.
- Turning paths for service vehicles (including rubbish collection and removalist vehicles) should be checked for the internal road network, particularly the cul-de-sac finishing points.

I trust this information is of assistance. Roads and Maritime appreciates the opportunity to provide comments and would welcome receipt of revised plans for further comment prior to determination of the development application by Council. Should you require further information please contact Fiona Francis on (02) 68611688.

Yours faithfully

Susie Mackay  
Network & Safety Manager  
Western

-7 FEB 2014



Roads and Maritime Services



**Transport**  
Roads & Maritime  
Services

WST14/00003

General Manager  
Mid Western Regional Council  
PO Box 156  
MUDGEES NSW 2850

*Flamy*



Dear Sir

**DA0273/2014: 4-8 Perry Street, Mudgee; Subdivision**

Thank you for your letter received 17 February referring the above development application to Roads and Maritime Services. The subject application is for a 26 lot subdivision with 6 direct accesses to Short Street (Main Road 208). Roads and Maritime provided comments in a letter for DA 0223/2014 dated 7 February 2014 for the same location. The comments provided in that letter are still relevant for assessment of this application.

Should you require further information please contact Fiona Francis on (02) 68611688.

Yours faithfully

*[Handwritten signature]*

13.03.14

*per*

Susie Mackay  
Network & Safety Manager  
Western

Roads and Maritime Services

51 - 55 Currajong Street Parkes NSW 2870  
PO Box 334 Parkes NSW 2870  
www.rms.nsw.gov.au | 13 17 82

## 6.2.2 Development Application 0245/2014 Proposed Alterations and Additions to Existing Industrial building at Lot 2 DP708339 no.1 Inglis Street Mudgee

REPORT BY THE SENIOR TOWN PLANNER TO 2 APRIL 2014 COUNCIL MEETING  
GOV400038, DA0245/2014, P7622

### RECOMMENDATION

That:

1. the report by the Senior Town Planner on the Development Application 0245/2014 Proposed Alterations and Additions to Existing Industrial building at Lot 2 DP708339 no.1 Inglis Street Mudgee be received;
2. Development Application 0245/2014 proposed Additions and Alterations to an Existing industrial building at Lot 21 DP 708339, 1 Inglis Street Mudgee be approved subject to the following conditions:

### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans 361HUR01 to 04 Issue B and the Application received by Council on 20 January 2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.
2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy

### PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE BUILDING

*The following conditions must be compiled with prior to Council or an accredited Certifier issuing a Construction certificate for the proposed building.*

3. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid Western Regional Council.
4. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
  - a) the appointment of a Principal Certifying Authority and
  - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

5. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**



6. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- stating that unauthorised entry to the work site is prohibited, and
  - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - the name, address and telephone number of the principal certifying authority for the work,
  - The sign shall be removed when the erection or demolition of the building has been completed.
7. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5 year ARI. All storm water detention details including analysis shall be included with the drainage report.
9. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, or fill has previously placed on the site, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
10. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:
- The levy is: \$725 based on the estimated cost of development of \$ 145,000
11. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require payment of a contribution for water and sewerage headworks at the following rate:
- |                    |          |
|--------------------|----------|
| Water Headworks    | \$1,591  |
| Sewerage Headworks | \$726    |
| Total              | \$2, 317 |
12. In accordance with the provisions of section 94a of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 0.5% of the cost of carrying out the development shall be paid to Council.
- The levy is: \$725.00 based on the estimated cost of development of \$145,000.

**PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING**

13. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

(Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if any artefacts were uncovered)

14. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The Developer shall repair at their own expense any part of Council's property damaged during the course of this - development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council), Council's request and any relevant Australian Standards.
15. Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid Western Regional Council as an interested party. All work is to be at no cost to Council.
16. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
17. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1/2 and Council's standard drawings.
18. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
19. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
  - diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water;
  - maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.
20. A retaining wall including a stormwater drainage line is to be constructed on the property boundary of Lot2 where the site has been filled above the natural ground level.
21. Car parking within the development is to comply with the following:
  - Each parking space is to have minimum dimensions of 5.4m x 2.4m;
  - Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.1 – 2004;
  - All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
  - The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority *Guide to Traffic Generating Developments 1992* and Australian Standard AS2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.



22. All vehicular movement areas area to be line –marked to indicate direction of travel and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times
23. A Give Way sign is to be placed at the exit from the site to Inglis Street.

#### **BUILDING CONSTRUCTION**

24. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
25. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
26. Construction work noise that is audible at other premises is to be restricted to the following times:
  - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
27. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
28. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa
29. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors

#### **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

*The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.*

30. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
31. All car parking and associated driveway works are to be completed prior to occupation of the development.
32. A 2 metre high, pre-coloured metal fence is to be erected on the retaining wall along the property boundary with 2 Inglis Street from the entrance gates to the rear boundary.

#### **CONDITIONS RELATED TO THE ONGOING USE OF THE SITE**

33. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
34. All work and associated equipment is to be contained wholly within the building.

35. Security fencing to the public road frontage is to be erected on or behind the front building line. Full details of proposed fencing is to be included on the landscaping plan.
36. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
37. All loading and unloading in connection with the premises shall be carried out wholly within the site.
38. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping.
39. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
40. All signage is to be maintained in good condition at all times.
41. The hours of operation for the business are limited to the following:  
Monday to Friday 7.00am to 6.00pm  
Saturday 8.00am to 5.00pm  
Work is not permitted to be undertaken on Sunday or public holidays
42. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
43. Any further signage proposed on the site is subject to a separate Development Application.
44. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

---

## Executive summary

Applicant:	C. T. Hurrell
Estimated Cost of Development:	\$145,000
Reason for reporting to Council:	unresolved objections
Public Submissions:	2

Council has received a development application for the erection of anew industrial building attached to the existing building and alterations to the existing building at 1 Inglis Street Mudgee currently occupied by Plumbingworx.

The application was notified to the adjoining owners and two (2) submissions were received.

The proposed development complies with the requirements of Mid-Western Local Environmental Plan 2012. The application generally complies with the Mid-Western Development Control Plan, except for the location of the access gates on the property boundary and the separation of the loading and unloading areas. The variations of the standards are supported due to the location of the access to Inglis Street and the proposed definition of the loading area under an awning will assessed with the visual separation of the loading and unloading areas.

Development Application0245/2014 is recommended for approval subject to conditions.

## Detailed report

### ASSESSMENT:

The application has been assessed in accordance with Section 79 C(1) of the Environmental Planning & Assessment Act 1979. The main issues are addressed below as follows.

#### 1. REQUIREMENTS OF REGULATIONS AND POLICIES:

##### (a) Provisions of any Environmental Planning Instrument and any draft EPI

The land is zoned IN2 Light Industry pursuant to Mid-Western Regional Local Environmental Plan 2012.

##### Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

##### Comment:

The proposed erection and use of the building as a warehouse is permissible with consent. The alterations proposed to the site include formalise the car parking area and the addition of an awning over the loading area of the existing building, and landscaping.

##### (b) Provisions of any Development Control Plan or Council Policy

Mid-Western regional Development Control Plan  
Section 4.6 Industrial Development

##### Setbacks

Site Area	Street Frontage	Side/Rear	
Less than 2000m <sup>2</sup>	6m	Nil	Yes

##### LANDSCAPING

Landscaping requirements:		N/A
• Front 5m where site adjoins Sydney Road		Yes
• Front 3m on all other sites		Yes
• Landscaping is in front of the building line & increases visual presentation to the street		Yes
• Side & rear setbacks provide visual relief from public street or area		Yes
• Landscaping is mature trees & lawn, low maintenance, drought & frost tolerant		N/A
• Landscaping provided in outdoor car parking areas where >10 spaces for shade & reduce visual impact		N/A

##### DESIGN

• Low scale elements as display areas, offices, staff amenities located at front of building		N/A
--	--	-----

---

• Constructed in brick or finished concrete	NO
• Roof materials to be non reflective	Yes

---

**FENCING**


---

• Security fencing to be pre-coloured or powder coated	NO
• Open work area or storage areas visible from street or public place be fenced by masonry materials or per-coloured metal cladding minimum height 2m.	N/A
• This fencing to be located behind the front building line	N/A
• Access gates in perimeter fencing setback from boundary by length of longest vehicle accessing site	NO

---

**UTILITIES**


---

• Statement of servicing provided for water, sewer, stormwater for proposed development	Yes
• Adequate provision for storage and handling of solid waste	N/A
• Is a Liquid Trade Waste application required	N/A
• Buildings not located on easements	
• Structures located a minimum of 1.5m from centre line of water and/or sewer main	YES

---

**TRAFFIC & ACCESS**


---

• Traffic assessment report submitted	Yes
(i) Site access	
(ii) Loading & unloading facilities provided	Yes
(iii) Safe on-site manoeuvring area for largest design vehicle	Yes
• Vehicle manoeuvring areas are sealed	Yes
• Vehicles can enter and leave in a forward direction	Yes
• Access points to any one street limited to one ingress & one egress	Yes
• No access to Main Road where alternate access is available	N/A
• Driveway meets AS2890.1 Parking facilities	Yes
• Separate sealed hardstand area provided for trucks servicing site	No
• Loading area located behind building line at rear or side of building	Yes

---

**CAR PARKING**


---

• Customer parking provided close to public entrance/office	Yes
• Car Spaces provided at rate:	
(i) Bulky goods 1 space per 50m <sup>2</sup> GFA	
(ii) Manufacturing 1 space per 75m <sup>2</sup> GFA	10
(iii) Warehouse 1 space per 100m <sup>2</sup> GFA	spaces

---

**SIGNAGE**


---

• comply with section 4.4 DCP	
• Single occupant site:	Yes
(i) One free standing sign within 5m landscaped setback	
(ii) One sign integrated within facade no higher than building roof line	N/A
• Multiple unit development	
(i) One index board near side entrance or within 5m landscaped setback	
(ii) One sign integrated with facade of which unit no higher than building roof line	

---

**OUTDOOR LIGHTING & NOISE**

- 
- Comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting
  - Windows doors, & wall openings minimize noise impacts where 400m or less from residential zone Yes
  - External plant enclosed where adjoining residential area
- 

**SUBDIVISION**

- 
- minimum 30m frontages N/A
  - roads designed to AusRoads standard
  - reticulated water & sewer
  - stormwater drainage & water quality complies with standard
  - telecommunications and underground power provided
  - all lots B – Double accessible
  - road bitumen sealed
- 

*Comment:*

The development application generally complies with the requirements of the DCP. The areas of variation are as a result of the location of 1 Inglis Street and the subdivision pattern that has occurred. Inglis Street does not finish as a cul-de-sac but rather stops at the gates of the two properties one being the subject land the other being Furney's Plumbing Supplies.

No.1 Inglis Street does not have frontage to a street as such, so does not have a standard building setback from a street frontage. The location of the proposed building is located 1.175 m from the northern boundary of the subject site and aligns with the existing building to which it is attached. .

**(c) Section 94A Contributions**

No. 1 Inglis Street Mudgee is located within Catchment 2 of the Developer Contribution Plans. As the application involves alterations and additions to an existing development the Section 94A Contribution Plan applies to the development. The contribution is levied on the basis of the cost of works submitted as part of the development application.

The cost of the section94A contribution is \$725.00.

**Section 64 Developer Contributions Development Servicing plan**

Contributions are payable under the Development Servicing Plan based on the increase in ET generated by the development. The application proposes additional facilities which will generate demand for 0.4 additional ET. The contribution is:

Water	\$1591
Sewer	\$726
Total	\$2317

The applicant will be required to pay the full cost of any alteration or extension of water and sewer services required to serve this development

*2. IMPACT OF DEVELOPMENT*

**(a) Context and Setting**

The site is located at the end of Inglis Street with the vehicular access coming directly off Inglis Street into the car parking and loading/unloading area. The proposed building is setback 1.177 m from the northern boundary of the subject site with the existing building being altered by the addition of an awning over the designated loading and unloading area.

No.1 Inglis Street immediately adjoins the R3 Medium Density Residential zone on the western boundary and the SP3 Tourist zone on the northern property boundary. The proposed building will extend for the full length of the northern property boundary.

The R3 zoned land located to the west of the subject site is included a planning proposal, currently on exhibition, to be rezoned to mixed use zone to better reflect the existing land uses in this locality.

The majority of the adjoining land uses to the proposed development are industrial with light industrial activities predominating.

**(b) Access, transport and traffic**

Access to the site is directly from Inglis Street. Car parking, loading areas and truck turning areas are all located at the front of the development and accessed via Inglis Street. The application proposes the construction of 10 car spaces including a disabled space, a designated loading area and turning areas on site.

**(c) Public domain**

The proposal will have minimal impact on the public domain as all activities are located within the property

**(d) Utilities**

The site is fully serviced. The development will require the upgrading of stormwater drainage including drainage of all hard stand areas to the street.

**(e) Heritage**

The site is not identified as an Item of Environmental Heritage and is located outside the Mudgee Heritage Conservation Area.

The site is identified as being within the 200m of a drainage line and therefore requires imposition of a condition relating to Aboriginal Cultural Heritage.

**(f) Other land resources**

There are no other land resources associated with this site.

**(g) Water**

The site is connected to reticulated water. All stormwater from the new building, additions and hard stand areas will be required to drain to Inglis Street

**(h) Soils**

The development will not impact on the existing soil quality of the site

**(i) Air and Microclimate**

The development will be required to maintain current air quality and during construction of the development prevent dust nuisances occurring on adjoining properties

**(j) Flora & fauna**

There are no additional impacts on flora and fauna as the site is developed for industrial activity.

**(k) Waste**

Solid waste from the development and building work will be required to be kept in an appropriate manner and disposed of to a licensed waste facility.

**(l) Energy**

The site is connected to electricity supply network.

**(m) Noise & vibration**

The building has been designed so that there are no openings such as doors or windows facing the residential area. Construction of the parking and vehicular manoeuvring areas as sealed hard stand areas will reduce noise and vibration impacts on adjoining properties. Imposition of hours of operation will also reduce the impact of noise on the adjoining development including tourist and residential areas which adjoin the site.

**(n) Natural Hazards**

There are no known natural hazards affecting this site.

**(o) Technological hazards**

There are no known technological hazards associated with the site or the proposed activity.

**(p) Safety, security and crime prevention**

The site is currently fenced and the development proposes gates at the entrance to the site. As the site adjoins residences a screening fence is required in front of the two car parking spaces that have potential to overlook the existing dwelling.

There are no additional matters concerning safety and crime prevention on this site.

**(q) Social impact in the locality**

The proposed development will have minimal social impacts in the locality as it is an extension to an existing business.

**(r) Economic impact in the locality**

The proposal is an expansion to an existing business which will generate moderate economic benefit through the expansion and growth of an existing business.

**(s) Site design and internal design**

The design of the new building is restricted by the site constraints and the location of adjoining residences. The applicant submitted shadow diagrams to show the possible impacts of the building on the access to sunlight to the dwelling at 2 Inglis Street. The overshadowing occurs in mid winter up to 10.30 am after which the dwelling is not overshadowed and the private open space is not impacted by overshadowing.

The internal design of the building has been done to maximise the potential uses of the internal space.

**(t) Construction**

The building is required to comply with Australian standards for construction and fire safety. Hours of operation will be imposed on the construction work to protect the amenity of the area. Due to the minimal setback of the building from the northern boundary the northern wall of the building will be required to be fire rated. The applicant has been made aware of this requirement and it will be addressed at the construction certificate stage.

**(u) Cumulative Impacts**

The development application is for the intensification of the industrial land use at the site which adjoins, industrial, tourist and residentially zoned land. The location of the site requires development standards in relation to noise, traffic and dust generation to be considered including imposition of hours of operation on the business and the sealing of all traffic movement areas

*3. SUITABILITY OF SITE FOR DEVELOPMENT*

**(a) Does the proposal fit in the locality**

The expansion of the existing business is permitted in the zone with consent. The site being located on zone boundaries requires that relevant development standards be applied to minimise the impact of the development on the adjoining properties. This is achieved by fencing, hours of operation and no openings on the western boundary of the new building.

The surrounding area has a number of mix land uses and the proposed development is not out of character with the surrounding industrial development.

**(b) Are the site attributes conducive to development**

No. 1 Inglis Street has an area of 1693m<sup>2</sup> and currently has an existing industrial shed located on the rear of the site. The proposed new building has an area of 495m<sup>2</sup> and is located adjacent to the northern boundary of the site. Adequate area is provided for parking and truck movements associated with the business.

The site attributes are conducive to the proposed development and no issues have been raised to warrant the refusal of the application.

*4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS*

**(a) Public Submissions**

The application was notified to the adjoining property owners and two submissions were received. Following the submission of shadow diagrams the additional information was forwarded to the adjoining property owners and a further submission was received. The points of the submissions are:

- increased traffic flow from the business
- increased stormwater drainage from the site
- approximately 1metre of fill has been placed on 1 Inglis Street raising the site above the adjoining dwelling
- potential overshadowing of the house and yard at 2 Inglis Street
- Car parks 1 & 2 will overlook the bedrooms of the house and shine lights into these rooms
- Proposal should include: lowering the fill; building a retaining wall; increase set back of building to 5m from boundary, reduce height of building and roof pitch; remove car parks 1 & 2; increase density of landscaping ;no openings or signage on western wall of building.



Following viewing the shadow diagrams prepared for the development the additional submission added the following points:

- Require a retaining wall be built to prevent fill moving offsite
- Require a 1.8m high fence to be built on top of the retaining wall to maintain privacy
- Reduce overall height of building to improve solar access
- Maintain original points of objection

*Comment:*

The height and scale of the proposed industrial shed is not out of character with similar industrial buildings. Solid fencing in accordance with Council's DCP on the western boundary adjacent to car spaces 1 & 2 is supported to minimise noise and light impacts on the adjoining property. Access and car parking has been designed to provide loading and unloading areas on site and so that vehicles can leave in a forward direction. All stormwater is required to be drained to the street and not impact on adjoining properties.

The shadow diagrams indicate that the building does not unreasonably overshadow the adjoining property on the shortest day of the year. There will be some impact on the solar access of 2 Inglis Street but the impact is not excessive or unreasonably given the zoning of the land and the location of the properties.

The filling of the site appears to have been carried out without consent being gained for the activity. Before any work is carried out on the site certification of the material as clean fill or a statement that the fill has not been imported onto the site is required to ensure that only non contaminated fill has been used.

In conclusion the impact of the proposed development is not such as to warrant the refusal of the application or its major modification.

**(b) Submissions from public authorities**

No submissions were received from public authorities

*5. THE PUBLIC INTEREST*

**(a) Federal, State and local government interests and community interests**

Having reviewed Development Application 0245/2014 there are no matters of federal, state or local government and community interest with regard to this application

*6. CONSULTATIONS*

**(a) Health & Building Section.**

The Manager Health and Building has recommended conditions relating to the construction of the alterations and additions, drainage of stormwater and the requirements for completing and occupying the building.

**(b) Development Engineering Section**

The Manager Development Engineering has recommended conditions relating to the provision of vehicle movement areas, car parking, unloading/loading areas and provision of stormwater and utilities to the site.

## Financial and Operational Plan implications

Not applicable.

## Community Plan implications

The assessment of the development application sits under theme 1 Looking after our Community, Goal 1.1 – A safe and Healthy Community.



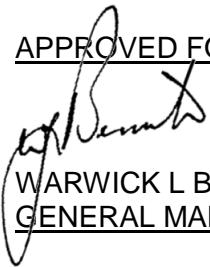
CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY  
SERVICES

ELIZABETH STONEMAN  
SENIOR TOWN PLANNER

19 March 2014

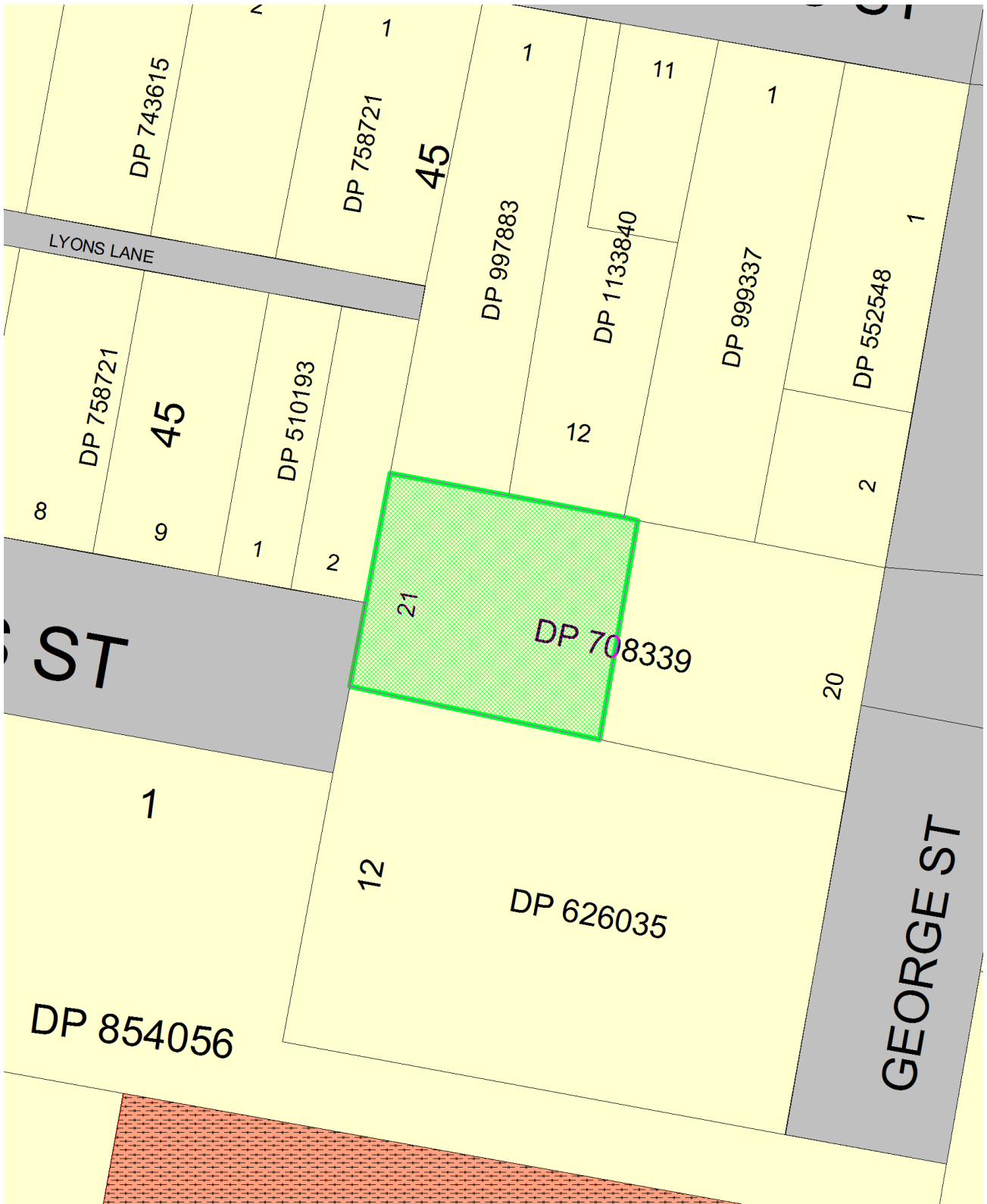
*Attachments:* 1. Location Plan  
2. Site Plan, Floor Plan & Elevations  
3. Submissions

APPROVED FOR SUBMISSION:



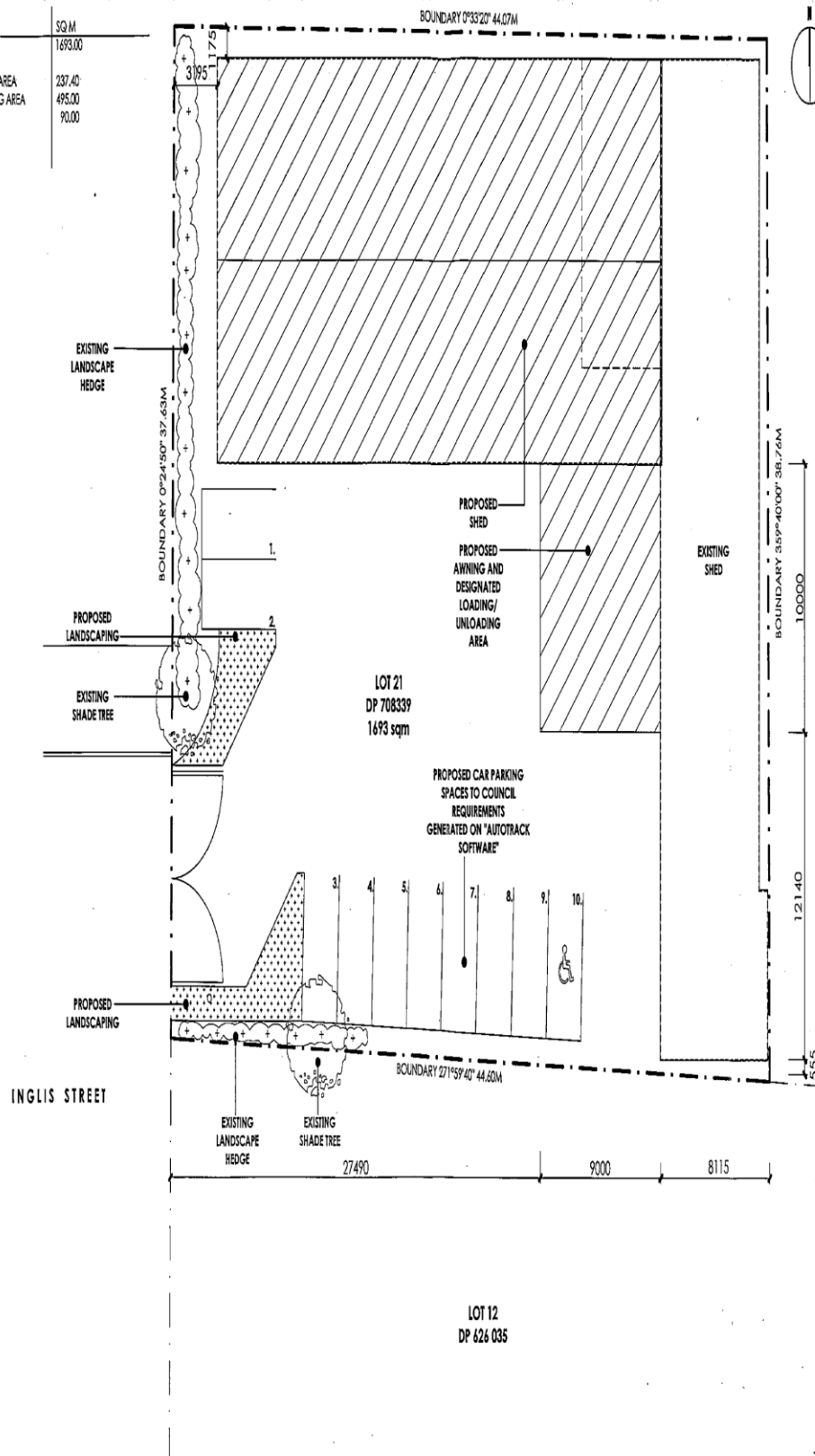
WARWICK L BENNETT  
GENERAL MANAGER

ATTACHMENT 1 - Location Plan



ATTACHMENT 2 - Site Plan

AREA ANALYSIS	SQ.M
SITE AREA	1693.00
EXISTING BUILDING AREA	237.40
PROPOSED BUILDING AREA	495.00
AWNING	90.00



- Notes
1. Builder to confirm all dimensions before commencing any works.
  2. If discrepancies occur on plans, designer is to be contacted.
  3. All dimensions are in millimeters unless otherwise stated.
  4. Use figured dimensions only. Do not scale from plans.
  5. Site information is based on information supplied by the owner and must be verified by the supplier on acceptance of this plan.

Issue	Description	Date
B	DA ISSUE	19.12.13
A	PRELIMINARY	28.11.13

**SUNRAI | designs |**  
Rathene Gaddes  
Architectural Services  
6 Robert Jones Street, Mudgee NSW 2850  
p: 02 6372 3103 m: 0418 605 898  
e: rai@sunraidesigns.com.au  
www.sunraidesigns.com.au

This drawing is subject to copyright and must not be reproduced or used without the consent of Sunrai Designs.

Client:  
Plumbing Worx PTY LTD

Project:  
1 Inglis Street  
Mudgee NSW 2850

Title:  
SITE PLAN

Scale at A3:  
1:200

Date:  
Nov 2013

Drawn:  
RG/RR

Drawing No:  
361HUR-01

Issue:  
B

1 SITE PLAN  
SCALE 1:200

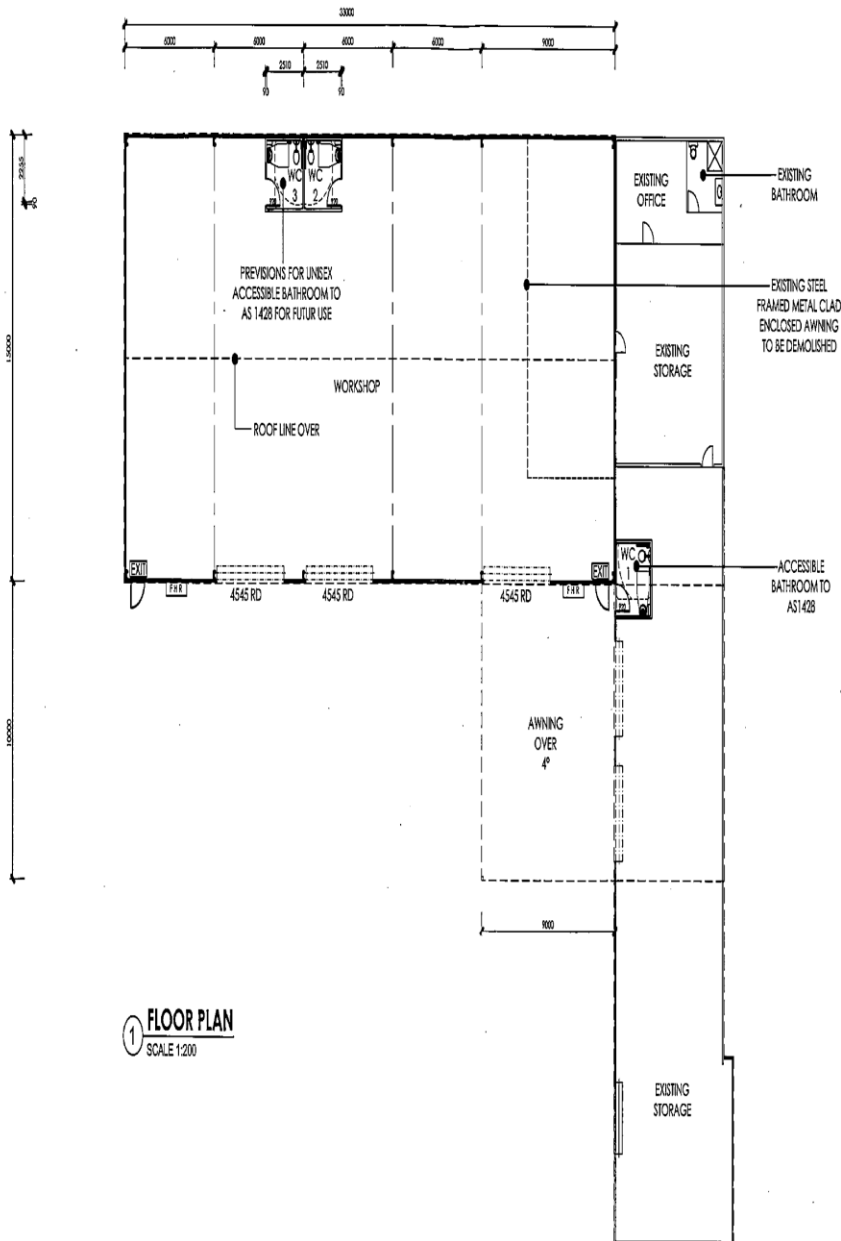
Floor Plan

AREA ANALYSIS	SQ.M
SITE AREA	1,693.00
EXISTING BUILDING AREA	237.40
PROPOSED BUILDING AREA	495.00
AWNING	90.00



- Notes**
1. Builder to confirm all dimensions before commencing any works.
  2. If discrepancies occur on plans, designer is to be contacted.
  3. All dimensions are in millimeters unless otherwise stated.
  4. Use figured dimensions only. Do not scale from plans.
  5. Site information is based on information supplied by the owner and must be verified by the supplier on acceptance of this plan.

**Legend:**



**1 FLOOR PLAN**  
SCALE 1:200

Issue	Description	Date
B	DA ISSUE	19.12.13
A	PRELIMINARY	28.11.13

**SUNRAI | designs |**

**Railene Geddes**  
Architectural Services

6 Robert Jones Street, Mudgee NSW 2850  
p: 02 4372 3103 m: 0418 605 898  
e: rai@sunraidesigns.com.au  
www.sunraidesigns.com.au

This drawing is subject to copyright and must not be reproduced or used without the consent of Sunrai Designs.

**Client**  
Plumbing Worx PTY LTD

**Project**  
1 Inglis Street  
Mudgee NSW 2850

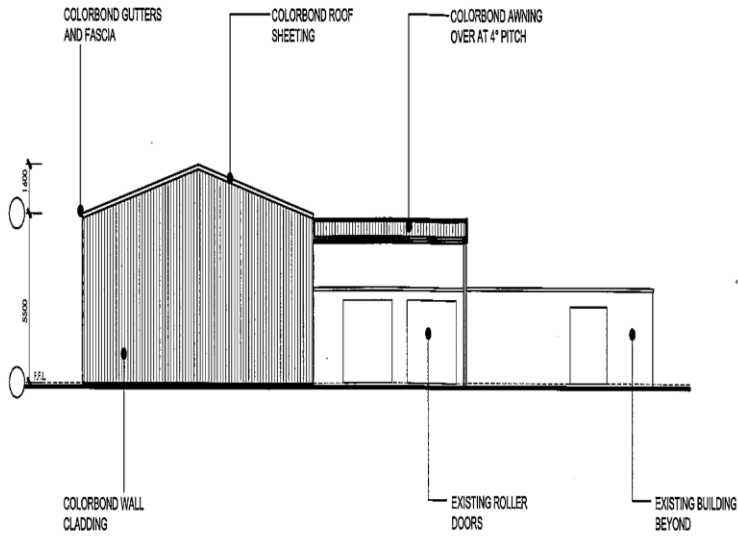
**Title**  
FLOOR PLAN

**Scale at A3**  
1:200

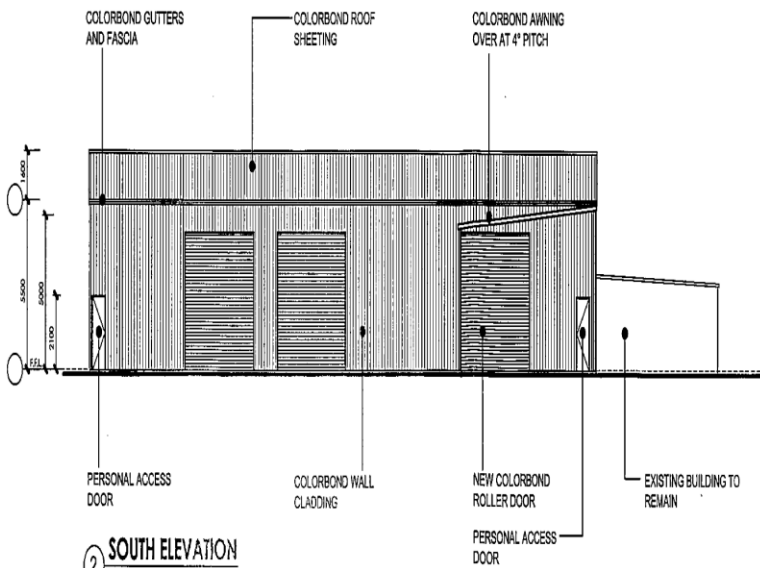
**Date** NOV 2013 **Drawn** RG/RR

**Drawing No.** 361HUR-02 **Issue** B

Elevations



1 WEST ELEVATION  
SCALE 1:200



2 SOUTH ELEVATION  
SCALE 1:200

- Notes
1. Builder to confirm all dimensions before commencing any works.
  2. If discrepancies occur on plans, designer is to be contacted.
  3. All dimensions are in millimeters unless otherwise stated.
  4. Use figured dimensions only. Do not scale from plans.
  5. Site information is based on information supplied by the owner and must be verified by the supplier on acceptance of this plan.

Legend:

Issue	Description	Date
B	DA ISSUE	19.12.13
A	PRELIMINARY	28.11.13

SUNRAI | designs |

Raileene Geddes  
Architectural Services

6 Robert Jones Street, Mudgee NSW 2850  
p: 02 6372 3103 m: 0418 605 898  
e: rai@sunraidesigns.com.au  
www.sunraidesigns.com.au

This drawing is subject to copyright and must not be reproduced or used without the consent of Sunrai Designs.

Client:  
Plumbing Worx PTY LTD

Project:  
1 Inglis Street  
Mudgee NSW 2850

Title:  
ELEVATIONS 1

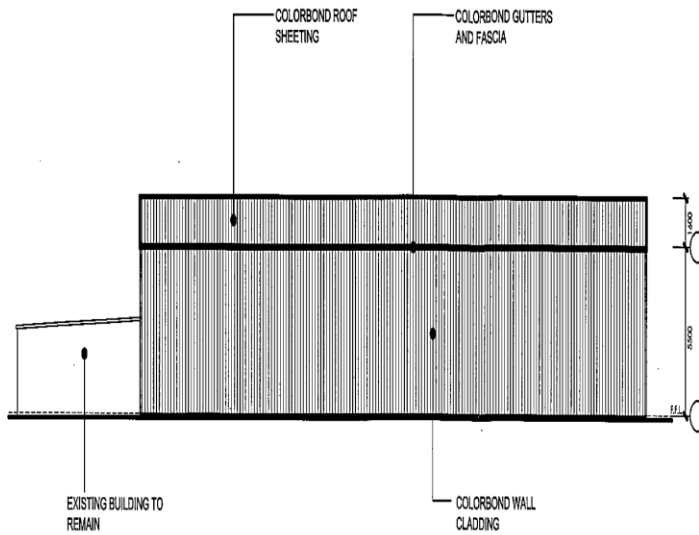
Scale at A3:  
1:200

Date:  
NOV 2013

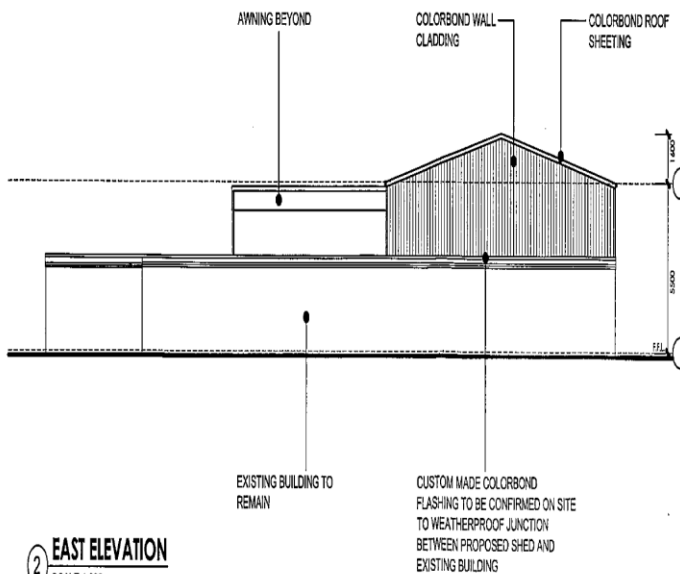
Drawn:  
RG/RR

Drawing No. Issue:  
361HUR-03 B

Elevations cont.



1 **NORTH ELEVATION**  
 SCALE 1:200



2 **EAST ELEVATION**  
 SCALE 1:200

- Notes
1. Builder to confirm all dimensions before commencing any works.
  2. If discrepancies occur on plans, designer is to be contacted.
  3. All dimensions are in millimeters unless otherwise stated.
  4. Use figured dimensions only. Do not scale from plans.
  5. Site information is based on information supplied by the owner and must be verified by the supplier on acceptance of this plan.

Legend:

Issue	Description	Date
B	DA ISSUE	19.12.13
A	PRELIMINARY	28.11.13

**SUNRAI | designs |**

Raïene Geddes  
 Architectural Services

6 Robert Jones Street, Mudgee NSW 2850  
 pc: 02 4372 3103 m: 0418 405 898  
 e: rai@sunraidesigns.com.au  
 www.sunraidesigns.com.au

This drawing is subject to copyright and must not be reproduced or used without the consent of Sunrai Designs.

Client  
 Plumbing Works PTY LTD

Project  
 1 Inglis Street  
 Mudgee NSW 2850

Title  
 ELEVATIONS 2

Scale at A3  
 1:200

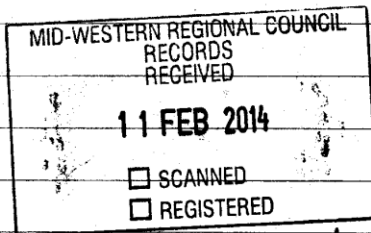
Date  
 NOV 2013

Drawn  
 RG/RR

Drawing No.  
 361HUR-04

Issue  
 3

## ATTACHMENT 3 - Submissions



Mid Western  
Regional Council  
Mudgee 2850

To whom it may concern

My name is Bruce Parkins. I live at 2 Inglis St Mudgee. My Next Door Neighbour informed me there were plans for a big shed to be built on No 1 Inglis. I strongly object to this development on the grounds of the extra traffic flow and the extra water which will flow onto our property. I would also like to invite engineers and who else it may concern to have a look at the proposed development

Yours  
Sincerely  
Bruce Parkins



## 6.2.3 DA 0260/2014 – Proposed Subdivision (of 3 units) Lot 10 DP 37649, 28 Horatio Street Mudgee

REPORT BY THE MANAGER STATUTORY PLANNING TO 2 APRIL 2014 COUNCIL MEETING

DA0260\_2014 horatio st

GOV400038, DA0260/2014

### RECOMMENDATION

That:

1. the report by the Manager Statutory Planning on DA 0260/2014 – Proposed Subdivision (of 3 units) Lot 10 DP 37649, 28 Horatio Street Mudgee, Lot 10 DP 37649, 28 Horatio Street Mudgee be received;
2. the variation of the minimum lot size by 10% for proposed Lots 2 and 3 be supported in the proposed plan of subdivision of Lot 10 DP 37649, 28 Horatio Street Mudgee:
3. Council approve DA 0260/2014 – Proposed Subdivision (of 3 units) Lot 10 DP 37649, 28 Horatio Street Mudgee, Lot 10 DP 37649, 28 Horatio Street Mudgee subject to the following conditions:

### APPROVED DEVELOPMENT

1. Development is to be carried out generally in accordance with stamped plans (Drawing Number 20377\_L01) and Statement of Environmental Effects dated February 2014 by Barnson Pty Ltd. except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.
2. Access to all proposed lots is to be via Denison Lane in accordance with Development Consent 278/01.

### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
4. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
5. Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid-Western Regional Council as an interested party. All work is to be at no cost to Council.

6. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.
7. A detailed engineering design (including sediment and erosion control) supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
8. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
9. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
10. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
11. Engineering plans of the water mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a *Construction Certificate*  
Note 1: Council will quote on connecting any sewer or water main extension to the existing "live" main on receipt and approval of engineering plans.  
Note 2: Council does not permit other bodies to insert new junctions into 'live' water mains.
12. The developer is to grant Council (or an *Accredited Certifier* on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
13. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
  - Installation of sediment and erosion control measures
  - Water and sewer line installation prior to backfilling
  - Establishment of line and level for kerb and gutter placement
  - Road and driveway pavement construction (including excavation, formwork and reinforcement)
  - Road pavement surfacing
  - Practical completion
14. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have

**the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.**

15. All utilities and services including telecommunications, water and sewer reticulation, street lighting and gas shall be installed prior to pavement construction.

#### **Stormwater Drainage**

16. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
17. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
18. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.

#### **Roads, Kerbs and Vehicular Access**

19. The developer is to upgrade Denison Lane for the full frontage of the proposed subdivision between Horatio Street and the rear (northern) property boundary, such that it has the following characteristics:

Item	Requirement
Pavement Width	Full lane width
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Gutter	Dish drain
Subgrade	CBR>3

20. The developer is to upgrade the intersection between Denison Lane and Horatio Street such that:
- The current kerb layback is removed.
  - Kerb returns be constructed that match the existing profile in Horatio Street and taper into the dish drain along Denison Lane.

#### **Earthworks**

21. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.  
Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.
22. Runoff and erosion controls shall be installed prior to clearing and incorporate:-

- diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
- sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water;
- maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

#### Water and Sewer

23. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act,1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
24. The applicant is to provide separate water and sewer reticulation services to each lot.
25. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
26. Pre-existing sewer manholes that are within the pavement area are to be encased with 150mm of concrete with a characteristic strength (f'c) of 20MPa at the developer's expense.
27. The developer must concrete encase any sewer mains that have less than 1000mm of cover.

#### Prior to the issue of the subdivision certificate

28. Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office.  
Note: The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges
29. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
30. If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
31. Underground electricity and telecommunications are to be supplied to the subdivision.
32. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
  - A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.

- A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
- all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
- an agreement be made between the developer and Council;
  - as to the security to be given to Council that the works will be completed or the contribution paid, and
  - as to when the work will be completed or the contribution paid.

33. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an “Autocad compatible” work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer’s or Consulting Surveyor’s certification stating that all information shown on the plans is accurate.

34. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE                    2                    x   \$1,650                    =   \$3,300

Note: Council does not permit other bodies to insert new junctions into ‘live’ water mains.

OR

35. Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370.00 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE                    2                    x   \$370                    =   \$740

Note: Council does not permit other bodies to insert new junctions into ‘live’ water mains.

36. The developer is to provide a sewer junction for each dwelling in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE                    2                    x   \$1,450.00                    =   \$2,900

Note: Council does not permit other bodies to insert new junctions into “live” sewer mains.

---

## Executive summary

---

**Applicant:** Lynch Building Group

---

**Estimated Cost of Development:** N/A

---

**Reason for reporting to Council:** Variation to development standard

---

---

**Public Submissions:****0**

---

The proposed development relates to the subdivision of an existing approved multi dwelling housing development under construction. The development was approved in 2001.

The proposed development will present as a dwelling fronting Horatio Street and a dual occupancy facing Denison Lane.

The proposed development has been assessed in accordance with Council's Development Control Plan (DCP) and complies.

The application was notified to adjoining land owners in accordance with Part 1.10 of the DCP and no submissions were received.

Clause 4.1A(2)(b)(ii) of the Mid-Western Regional Local Environmental Plan (LEP) allows for subdivision of multi dwelling housing. The Clause stipulates a minimum area of 400m<sup>2</sup> per unit. Two lots will fail to meet this requirement and propose a variation of greater than 10 percent, and accordingly the application exceeds staff delegation and is therefore being reported to Council for determination.

This variation is considered acceptable as the development is already approved and under construction. The subdivision of the land would not present any impacts greater than the existing approved development.

## Detailed report

### *1. REQUIREMENTS OF REGULATIONS AND POLICIES:*

#### **Mid-Western Regional Local Environmental Plan 2012 (LEP)**

The land is zoned R3 Medium Density Residential pursuant to the Mid-Western Regional Local Environmental Plan 2012. Subdivision of multi dwelling housing developments is permissible subject to a minimum lot size of 400m<sup>2</sup>.

The proposal is ancillary to an approved development and is therefore considered consistent with the zone objectives.

The relevant Clauses of the LEP have been considered below:

#### *Clause 4.1B Exceptions to minimum lot sizes for certain residential development*

Clause 4.1A(2)(b)(ii) allows for subdivision of multi dwelling housing. The Clause stipulates a minimum area of 400m<sup>2</sup> per unit. The proposed resulting lots sizes are:

Lot 1 – 516m<sup>2</sup>

Lot 2 – 284m<sup>2</sup>

Lot 3 – 265m<sup>2</sup>

#### *Clause 4.6 Exceptions to Development Standards*

Two of the three lots will fail to meet the minimum lot size requirement; therefore the applicant has provided justification for the variation in accordance with this clause. The key to the argument is that the development is already approved and under construction. The applicant could carry out a community title subdivision with a similar end product as a Torrens title subdivision.

It is considered unnecessary to require this standard, especially since the development was approved under a former Environmental Planning Instrument.

Accordingly, support of this variation is considered reasonable as the proposed subdivision will not alter the physical characteristics of the development.

*Clause 5.10 Heritage conservation*

The subject site is located within the Mudgee Heritage Conservation Area.

The proposed development would not alter the character of the Conservation Area as the development is already under construction and the proposal only affects the title of the land.

*Clause 6.1 Salinity*

The site is not mapped as being subject to salinity; however the Mid-Western Local Government Area is generally prone to dryland salinity. The proposed subdivision would not alter the salinity risk associated with the development.

*Clause 6.9 Essential Services*

Development consent must not be granted unless the consent authority is satisfied that essential services for the proposed development are available or that adequate arrangements have been made to make them available when required. Due to the sites urban location and suitable conditions included within the recommendation this Clause can be satisfied.

The development will require the extension of water mains to service the units in Horatio Lane.

**SEPP 55 – Remediation of Land**

The use of the land is existing and approved and the proposed development will not later this. There are no concerns related to the proposed development and the risk for contamination.

**SEPP (Infrastructure) 2007**

The development fronts a classified road and Clause 101 of the SEPP requires consultation with the Roads and Maritime Services (RMS). The application has not been referred to the RMS as the development is existing and no new accesses are proposed. Access to the lots will be from Denison Lane and no new accesses are proposed as part of the subdivision.

**Mid-Western Regional Development Control Plan 2012 (DCP)**

Part 7 - Urban Subdivision

<b>Part 7.1 Urban Subdivision</b>	<b>Requirement</b>	<b>Compliance/Comment</b>
Applies to	- land zoned residential - village zones - rural residential lots up to 2 hectares	Yes, R3 and lots less than 2 hectares.
Lot size	- Minimum lot size as determined by MWRC LEP 2012 (400m <sup>2</sup> ).  - all lots have street frontage.	No, discussed above.  All lots have frontage to a public road

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
	lots increase in size relative to slope as follows:  - 0-10 degrees: 600m <sup>2</sup> - 10-15 degrees: 700m <sup>2</sup> - 15-20 degrees: 800m <sup>2</sup> - >20: subdivision prohibited	The slope of the land does not exceed 10 degrees.
	- all lots have 16m width at building line in residential and village zones.	N/A for multi dwelling housing subdivision.
	- battle-axe handles in R1, R3 & RU5 Village have width of 4m.	There are no battle axe lots proposed
	- battle-axe handles in R2 & R5 residential zones have width of 6m	
Lot Design	- For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development.	Infill development and solar access maximised.
	- For new release subdivision lot orientation maximises solar access by maximising north-south lots.	Majority of lots are facing North South.
	- For new release subdivision east-west orientated lots have increased width and midpoint.	N/A.
	- Lots generally rectangular in shape.	Complies
	- Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling.	N/A
	- corner lots have sufficient area to allow dual occupancy and independent utility connection points.	N/A
Street Layout & Design	- Traffic Impact statement submitted for 5+ lots	N/A
	- Traffic Impact Statement submitted for all subdivisions where new road required.	N/A
	- Subdivision integrates with existing residential area.	Yes.



Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
	- New roads must provide "through road" connections to surrounding roads and road heads where they exist in the locality.	N/A.
	- Where cul-de-sac treatment unavoidable pedestrian linkages between streets provided.	N/A
	- multiple cul-de-sacs and "no through roads" discouraged.	N/A
	- maximum number of lots in cul-de-sac is 12 lots.	N/A
	- Subdivision >80lots should not require backtracking.	N/A
Road Standards for New Development.	Urban Road Standards required.	N/A, existing road to be upgraded.
	1x1.2m footpath, barrier kerbing.	N/A
	- <b>Commercial &amp; Industrial Subdivision Roads:</b> 22m road reserve, 13m carriageway, 2x4.5m nature strip, 1x1.2m footpath, barrier /roll over kerbing.	N/A
Cycle ways and footpaths	- Cycle ways and pedestrian networks included in new subdivisions.	N/A
	-If subdivision site identified in council cycleway plan or pedestrian strategy subdivision needs to respond to strategy.	
	- New subdivisions provide direct, convenient and safe access to major facilities.	
	- Cul-de-sacs may be required to include 10m wide shared overland flow/pathway.	
	- Developer to provide contribution to council for installation of cycle ways and footpaths prior to release of subdivision certificate.	
Open Space	- Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open	N/A

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
	<p>space.</p> <p>- Where on-site detention basins double as open space must include raised level area which incorporates playground or fitness equipment etc and shading landscaping.</p>	N/A
Landscaping	<p>- Landscape plan provided detailing treatment of public domain.</p> <p>- Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years.</p>	N/A
Street Trees	<p>- 2 street trees provided per lot.</p> <p>- Developer provides levy to council to provide these trees after 80% of works carried out.</p>	N/A
Utility Services	<p>- servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development.</p> <p>- Evidence of consultation with relevant authorities submitted with application.</p>	Lots to be connected to reticulated water, sewer, electricity and telecommunications.
Drainage	As per Section 5.3 Stormwater & Drainage.	N/A due to low density of development.

## 2. IMPACT OF DEVELOPMENT

### (a) Context and Setting

The proposed development consists of the subdivision of three units under construction on an allotment of land with frontages to a road and a lane. The development site is located on the fringe of the Conservation Area and is surrounded by varied architecture of no distinct character.

The development site is less than 1 kilometre from the main business centre of Mudgee and is considered to be appropriately located.

### (b) Access, transport and traffic

Access to the site is from Denison Lane, although the development also has frontage to Horatio Street. Denison Lane is required to be upgraded under the existing consent and this consent.

The proposed development would not significantly impact on the road network and the local road network is considered to be capable of accepting traffic from the development subject to upgrade of the lane.

**(c) Public domain**

No negative impacts on the public domain have been identified with this proposal.

**(d) Utilities**

Reticulated water and sewer are available to the site. Water mains are required to be extended to service the units at the rear of the site.

Electricity and telecommunication services can be connected to the subject site.

**(e) Heritage**

There are no items of European heritage under in MWRLEP 2012 within the immediate locality; however the development site is within the Conservation Area. European Heritage as been discussed above in this report.

An AHIMs search has been undertaken for the site which did not identify any registered sites. Council's Cultural Heritage mapping does not identify the land has having a high potential for Aboriginal relics. A standard condition requiring appropriate action to be taken should relics be found is required on any determination

**(f) Other land resources**

There are no other land resources associated with the Development Application.

**(g) Water**

Stormwater will be harvested to provide water to the dwelling. All lots will be capable of draining to the road.

**(h) Soils**

The use of the land has already been approved and the proposed subdivision would not alter the risk associated with contamination.

**(i) Air and Microclimate**

The development will not adversely affect air quality nor will the micro climate be adversely affected.

**(j) Flora & fauna**

The subject land has been cleared and is located in an urban area. There is no significant flora or fauna on the site.

**(l) Energy**

There are no energy concerns with this application. Proposed lots can be serviced with underground electricity

**(m) Noise & vibration**

The subdivision of an approved multi dwelling housing development is unlikely to significantly increase the noise impacts in the locality.

**(n) Natural Hazards**

The site is not affected by any natural hazards such as flooding and Bushfire risk.

**(p) Safety, security and crime prevention**

All units are designed to front the public roads and have an outlook to a public place providing security to both the houses and the public space

**(q) Economic and Social impact in the locality**

The provision of new residential units will provide housing choice in the Mudgee area and potentially increase the population of the area.

**(s) Site design and internal design**

The development is designed to comply with Council's DCP 2013 including the provision of services and utilities.

*3. SUITABILITY OF SITE FOR DEVELOPMENT*

**(a) Does the proposal fit in the locality?**

The immediate locality is characterised by generally middle to late 20<sup>th</sup> Century dwellings that do not have a particular architectural theme. The proposed development is therefore considered consistent with the locality.

**(b) Are the site attributes conducive to development?**

The subject site has two road frontages making the site conducive to the development.

*4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS*

**(a) Public Submissions**

No submissions were received.

**(b) Submissions from public authorities**

No submissions from public authorities.

*5. THE PUBLIC INTEREST*

**(a) Federal, State and local government interests and community interests**

Not applicable.

*6. CONSULTATIONS*

**(a) Health & Building.**

No objection subject to conditions included within the recommendation.

**(b) Development Engineer.**

No objection subject to conditions included within the recommendation.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The assessment of the development application sits under theme 1 Looking after our Community, Goal 1.1 – A safe and Healthy Community.



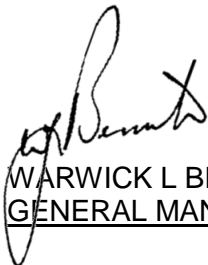
CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

GARY BRUCE  
MANAGER STATUTORY PLANNING

19 March 2014

*Attachments:* 1. Locality plan  
2. Subdivision Plan

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



Map Scale: 1:1,484

**Disclaimer**

This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.

This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

**Legend**

- |  |            |  |              |  |              |
|--|------------|--|--------------|--|--------------|
|  | Parcel     |  | Parish       |  | NORTH        |
|  | Crown Land |  | Localities   |  | Road         |
|  | Railway    |  | LGA Boundary |  | State Forest |
|  |            |  |              |  | Waterway     |



Printed on Friday, 21 March 2014



**Contact Us**  
 t 1300 138 657  
 e generalenquiry@barnson.com.au  
 w www.barnson.com.au

**Client:** PETER ELDRED  
**Project:** PROPOSED SUBDIVISION OF LOT 10 DP37649  
**Title:** AT 28 HORATIO ST, MUDGEE

**SURVEY DATE**  
 10-1-2014

This drawing is to be read in conjunction with general building codes, specifications and other standards or drawings applicable to the project. MGA, not Geoid, is to be observed prior to the construction of work. For a list of any disclaimers, please refer to the terms and conditions of the contract. Barnson Pty Ltd. 2010. Geoid not subject to the Barnson terms of engagement.

**Design**   **Drawn**   **Check**   **QA**  
 GM

**Drawing Number**  
**20377\_L01**

**Revision**  
**A**



## 6.2.4 Petroleum Exploration Licence Application 158

REPORT BY THE MANAGER STRATEGIC PLANNING TO 2 APRIL 2014 COUNCIL MEETING

REPORT Council 2014

GOV400038, LAN000

### RECOMMENDATION

#### That:

1. **the report by the Manager Strategic Planning on the Petroleum Exploration Licence Application 158 be received, and**
2. **Council endorse the staff comments regarding the environmental issues and the inadequacy of the consultation period.**

### Executive summary

Council received correspondence from NSW Trade and Investment Office of Coal Seam Gas (T&I) on 11 March 2014 drawing to our attention to the exhibition of Petroleum Exploration Licence 158 from Ceemac Pty Ltd which concluded on 13 March 2014. The application affects only a very small area of MWRC LGA (refer to the map attached). The exhibition period has lapsed however, Council has made a draft submission via email to T&I with a formal submission to be forwarded following the Council meeting in April.

### Detailed report

At this stage the application is for exploration only and affects a small area of the LGA near Running Stream. Having raised the issue of the consultation period with T&I, staff were afforded the opportunity to submit a draft submission via email which included the following comments:

- The gross inadequacy of the 48 hour notification – even outside the normal reporting process, the expectation that Council would be in a position to respond within 48 hours is unreasonable
- That part of the licence area within MWRC is approximately 600ha of land across three landowners at Running Stream and we would draw attention to the accessibility, topography and potential significant flora and fauna impacts of exploration which include drilling on that part of the licence area that fall within Mid-Western at Running Stream

In addition T&I have initiated a program of consultation particularly focused on local government in the areas of mineral and petroleum resources and the Department propose to meet with those Councils to discuss the legislation and administrative process and facilitate an exchange of information. The submission also supports this initiative.

- To confirm Council's interest in being involved in the program of consultation with local government.

Further, the following information has been extracted from a document published by Trade and Investment in 2011 called "Public Comment Process - For the exploration of coal and petroleum, including coal seam gas" for the information of Council.



*Given that exploration is focused on the location and economic assessment of a mineral deposit and that further approvals (including preparation of a detailed Environmental Impact Statement) will be required before any mining or petroleum production can be carried out, **public comment will only be sought on matters relating to the effects of the exploration process.***

*The purpose of this process is to ensure that the Minister (or delegate) has all the relevant information when making a decision to grant or not grant an exploration licence. It ensures that the interests of the State are balanced by the interests of the community directly affected by the activities. Often this balance will be achieved by conditioning exploration licences appropriately so that approved exploration activities do not unnecessarily impact on matters of environmental, social and economic importance to the community.*

## **Exploration Explained**

*The purpose of exploration is to identify the quantity and quality of resources and to determine the viability of proceeding to mine the resource.*

*Exploration licences are generally granted over an area where geological features have potential to contain a mineral resource. In the case of coal and petroleum (including coal seam gas), these geological features are located in sedimentary basins. They are often buried or hidden beneath several hundreds of meters of sediments and require special surveys and/or drilling to determine their existence. The presence of these features, however, does not guarantee that an economically viable mineral resource will be present and further exploration work is required to determine whether or not a viable resource does exist.*

*Exploration licences for coal may be granted and renewed for periods of up to five years while exploration licences for petroleum may be granted and renewed for periods of up to six years.*

*As part of the exploration licence application, a work program must be submitted. This may include:*

- Desktop (evaluation, research and studies) work, followed by airborne or ground based remote sensing work and sampling.*
- A drilling program may be developed which targets prospective sites within the exploration area for the purposes of geological mapping, structural identification, formation sampling, testing and resource assessment.*
- Other exploration activities such as geochemical evaluation, seismic or other geophysical surveys, costeaning (small excavation pits for shallow resources) and bulk samples (larger excavations or underground workings) may be carried out if approved under the terms of the exploration licence. The duration of physical works associated with exploration programs depends on the results obtained as the program progresses.*

*As the program develops and further information about the geology is obtained, the exploration activity becomes more targeted within the licence area.*

*A typical exploration program, particularly in coal seam gas, usually takes at least three years to complete and may take considerably longer. Issues such as availability of drilling rigs and other exploration equipment, weather, commodity prices and regulatory changes all have potential to result in delays to an exploration program.*

*Only a very small percentage of land under an exploration licence is subjected to drilling or more intensive exploration activities, and an even smaller percentage actually proceeds to a mining*

development or gas extraction. In instances where exploration does occur and the results are not encouraging, further proposed work is often ceased and licences are relinquished.

## **Exploration vs Mining or Petroleum Production**

An exploration licence gives the licence holder exclusive rights to explore for specific minerals within a designated area but it does not permit mining or production, nor does it guarantee a mining or production lease being granted. Only a very small percentage of land that is subject to exploration licences ever proceeds to a mine or production lease.

Coal and petroleum development are classified as State Significant Development projects and are therefore subject to Part 4 of the Environmental Planning and Assessment Act 1979 and require planning approval from the Minister for Planning and Infrastructure. An application to mine for coal or produce petroleum needs to be lodged with the NSW Department of Planning and Infrastructure and requires an Environmental Impact Statement to be prepared in accordance with the Director-General of the Department of Planning and Infrastructure's Environmental Assessment Requirements. Extensive public consultation requirements are associated with this assessment process.

A lease for coal mining or petroleum production cannot be granted by the Minister for Resources and Energy without this planning approval.

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.

ELIZABETH DENSLEY  
MANAGER STRATEGIC PLANNING

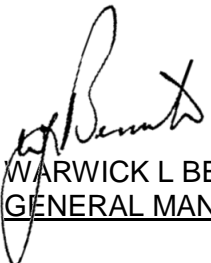


CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

21 March 2014

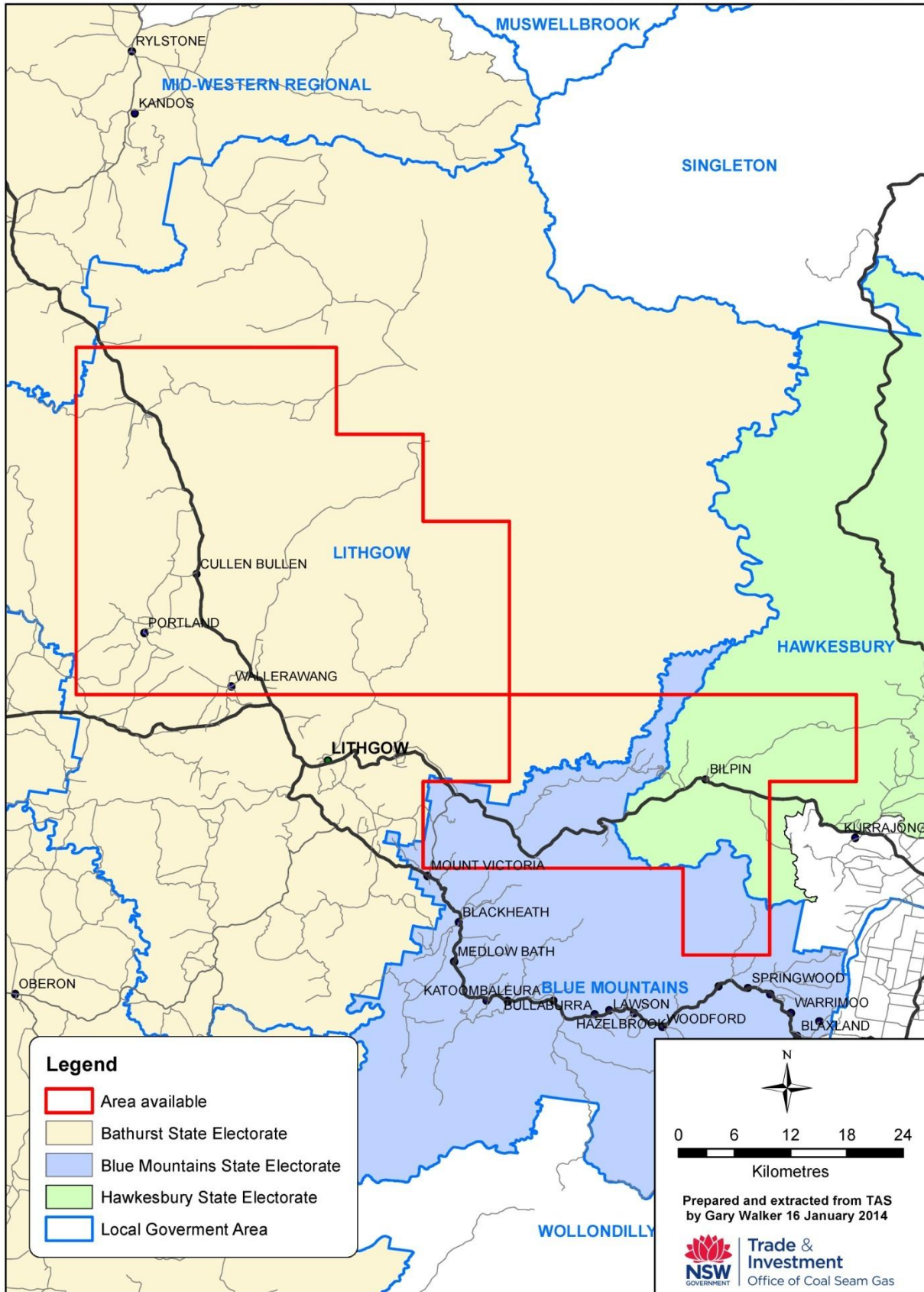
Attachments: 1. Map of Exploration area

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

PETROLEUM EXPLORATION LICENCE APPLICATION 158 DIAGRAM X-1



## 6.2.5 Department of Planning and Infrastructure Performance Monitoring

REPORT BY THE MANAGER, HEALTH AND BUILDING TO 2 APRIL 2014 COUNCIL MEETING  
DoPI Performance Monitoring Report  
GOV400038, A0170041

### RECOMMENDATION

**That the report by the Manager, Health and Building on the Department of Planning and Infrastructure Performance Monitoring be received.**

### Executive summary

The Department of Planning and Infrastructure (DoPI) published the results of the Performance Monitoring Review for 2012/13 on its website on 10 March 2014. This report provides a brief summary of the key findings and comparison of Mid-Western Regional Council with other Group 4 Councils in the Central West and Wellington Council.

### Detailed report

The 2012/13 data provides an overview of development in NSW. It includes information on council performance in assessing local development and general indications of the performance of the NSW planning system. The DoPI report was compiled by analysing detailed information from all 152 Councils.

The following is a brief summary of some of the key findings and a comparison of the result for Group 4 Councils in the Central West. A full copy of the report is available on the DoPI website.

In NSW in 2012/13, both the total number of development applications (DAs) determinations and approvals were still (when compared with 2011/12) near the lowest level of development since detailed local development performance monitoring data collection began in 2006/07.

In NSW overall development activity (includes DAs and Complying Development Certificates (CDCs) increased marginally by 0.5% (74,875 approvals) compared with 2011/12 and the total level of approved developments increased by 11% (\$2.37 billion). For NSW, Infrastructure, Tourist facilities and Subdivisions showed significant increases in value of approved DAs and CDCs compared with 2011/12, a 148%, 106% and 103% increase in value respectively.

### VOLUME AND VALUE OF DETERMINATIONS

<b>DEVELOPMENT APPLICATIONS (DAs)</b>		
	<b><i>No of DAs Approved</i></b>	<b><i>Value Approved</i></b>
MWRC	450	\$83 million
BATHURST	527	\$101.2 million
DUBBO	476	\$158 million
LITHGOW	250	\$41.6 million
ORANGE	457	\$185.3 million
WELLINGTON	77	\$4.5 million

The estimated value of approved development in MWRC in 2011/12 was \$52.7 million. This indicates a substantial increase in the value of development in the area by \$30.3 million. A similar

increase in the value of development can be seen in the other Council areas with the exception of Wellington which saw a \$1 million reduction.

The number of DAs has also increased from 347 DAs in 2011/12 to 450 DAs in 2012/13 this is an increase of 103.

#### COMPLYING DEVELOPMENT (CDCs)

	<b>No of CDCs</b>	<b>Value Approved</b>	<b>% Council</b>	<b>% Private</b>
MWRC	171	\$23.7 million	58%	42%
BATHURST	157	\$30.3 million	78%	22%
DUBBO	136	\$21.6 million	19%	81%
LITHGOW	17	\$818,248	53%	47%
ORANGE	211	\$40.8 million	7%	93%
WELLINGTON	18	\$1.2 million	66%	34%

The value of CDCs has decreased from 2011/12 at \$31.8 million to \$23.7 million in 2012/13. The number of CDCs has also decreased from 205 in 2011/12 to 171 in 2012/13. The percentage of Council verse Private Certification remains similar to last year at 64% Council to 36% Private in 2011/12 compared with 58% Council to 42% Private in 2012/13.

It is also worth noting that this reporting period is the first time in which all CDC Applications were assessed against the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 rather than the former Mid-Western policy. This is likely to have contributed to the decrease in CDC applications due to the complexity of the document.

#### PROCESSING TIMES

The following definitions are provided to assist in understanding the data provided.

*Gross Determination Time* – is the total number of days including that time the application is referred back to the applicant for further information (stop clock)

*Net Determination Time* – is the total number of days excluding that time that the application is referred back to the application for further information.

Across NSW, on average the gross processing times were 68 days in 2012/13 compared with 71 days in 2011/12, 68 days in 2010/11 and 67 days in 2009/10. Fifteen Councils (10%) had a mean gross determination time for DAs over 100 days.

In 2012/13 it took NSW Councils on average 17 days to process CDCs.

#### DETERMINATION TIMES

	<b>DA Mean Gross</b>	<b>DA Mean Net</b>	<b>DA Median Gross</b>	<b>DA Median Net</b>
MWRC	55	33	38	28
BATHURST	40	28	25	19
DUBBO	43	21	23	15
LITHGOW	72	47	48	31
ORANGE	50	34	33	25
WELLINGTON	28	26	24	22

Mid-Western Regional Council utilise “stop clock” to assist applicants to provide information necessary to determine applications. This has been a conscience decision to provide this level of customer service rather than rejecting incomplete applications at the front counter requiring applicants to make return visits to Council. There has however been a increase in mean net

processing times when compared with 2011/12 which was at 29 days to 33 days in 2012/13. The median net processing time also increase from 23 in 2011/12 to 28 in 2012/13.

	EFFECT OF STOP CLOCK (STC)					
	Mean Gross Times for DAs using STC	Mean STC days for DAs Determined	Mean Net Times for DAs using STC	Minimum STC	Maximum STC	% with STC
MWRC	89	59	30	1	568	37%
BATHURST	40	11	29	1	723	97%
DUBBO	87	50	37	1	510	33%
LITHGOW	87	45	42	6	434	45%
ORANGE	78	42	36	1	619	33%
WELLINGTON	49	21	28	8	36	9%

As stated previously, Mid-Western Regional Council uses the stop clock provisions to improve customer service but there is a balance in utilising the stop clock provision to assist the customer rather than to manage processing times. The above table indicates that Mid-Western Regional Council places 37% (this is the same as 2011/12) of applications on stop clock which is considered a very reasonable number.

#### COMPLYING DEVELOPMENT CERTIFICATE (CDC)

	No of CDC Determined by Council	Mean Determination	Median Determination
MWRC	100	13	13
BATHURST	122	5	1
DUBBO	26	7	6
LITHGOW	9	21	13
ORANGE	15	9	7
WELLINGTON	12	9	9

Considering the relatively high number of CDCs processed by Council, the mean and median processing times for CDCs indicate a strong level of performance in processing CDCs. This is further clarified when the combined CDC and DA gross determination times are considered as detailed in the table below.

#### CDC/DA MEAN GROSS DETERMINATION DAYS BY TYPE OF DEVELOPMENT

	<i>Residential Alts and Adds</i>	<i>Single New Dwellings</i>	<i>Commercial</i>
MWRC	29	28	75
BATHURST	51	26	51
DUBBO	23	25	54
LITHGOW	47	83	131
ORANGE	45	41	44
WELLINGTON	20	29	26

#### DETERMINATION

The percentage of Development Applications determined by elective representatives has increased slightly from 2011/12 where 6.1% of applications were determined by Council to 7% in 2012/13.

#### STAFF AND RESOURCING

On average across the state, 56 DAs were determined for each equivalent full time (EFT) development assessment position for 2012/13 this is at the same level as 2011/12.

**EFFECTIVE FULL TIME STAFF (EFT)**

	Average DA Determined per EFT Staff 2012/13	Average DA Determined per EFT Staff 2011/12	DAs Determined
MWRC	112.5	91.3	450
BATHURST	52.7	50.1	527
DUBBO	63.5	45.8	476
LITHGOW	71.4	50	250
ORANGE	80.3	74.2	457
WELLINGTON	25.7	37	77

The table above indicates productivity levels of Development Application Assessment Staff. It can be seen that the average DA/EFT has increased from last reporting period. As can be seen Mid-Western continues to have a high level of productivity. The table indicates the productivity levels of Mid-Western as the highest in the group, combined with the processing times achieved; this indicates that the Planning and Development Department is performing extremely well. The data also indicates that of the 152 Councils in NSW only 14 recorded an average number of development determinations per EFT staff of more than 100.

*CONSTRUCTION CERTIFICATES AND OCCUPATION CERTIFICATES*

**CONSTRUCTION (CC) & OCCUPATION (OC) CERTIFICATES ISSUED  
BY COUNCIL**

	CC 12/13	CC 11/12	OC 12/13	OC 11/12
MWRC	281	247	255	294
BATHURST	470	447	519	517
DUBBO	345	425	172	45
LITHGOW	198	223	125	232
ORANGE	138	369	93	462
WELLINGTON	50	48	32	41

**CONSTRUCTION CERTIFICATES (CC) & OCCUPATION CERTIFICATES  
(OC) - MWRC**

	2012/13	2011/12	2010/11	2009/10	2008/09
CC -MWRC	281	247	231	225	219
OC -MWRC	255	294	252	220	208

As indicated in the tables above, there has been an increase in the number of Construction Certificates issued by Council. The increase in CCs is consistent with the increase in building activity that has been identified earlier in this report. The trend is indicating a continuing gradual increase in building activity.

*CONCLUSIONS*

Overall, the Performance Monitoring Review indicates that the development assessment function within Mid-Western Regional Council is performing very well with a high level of productivity and relatively low processing times.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The results of the Performance Monitoring Report not only demonstrate the performance of the development assessment function of Council but are indicative of the overall building activity in the

LGA. The steady increase in Construction Certificates are indicative of the increase in housing development which is further supported by the substantial increase in the overall value of development in the LGA.

TIM O'REILLY  
MANAGER, HEALTH & BUILDING

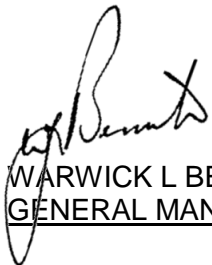


CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY  
SERVICES

18 March 2014

*Attachments:* Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



## 6.2.6 pARTcipate – Investigation into possibilities for Art and Culture- Phase 1 Report

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 2 APRIL 2014  
COUNCIL MEETING  
REPORT Council 2014  
GOV400038, REC800017

### RECOMMENDATION

#### That:

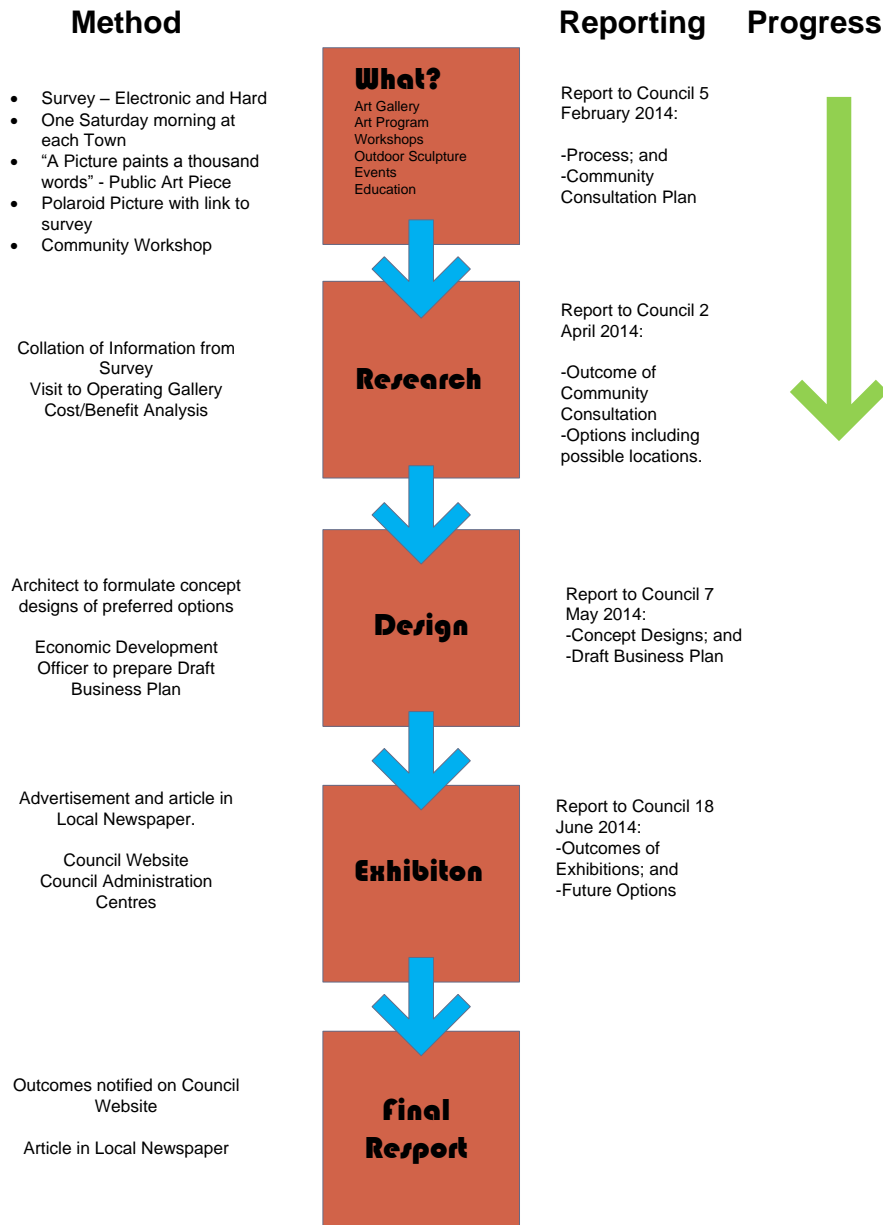
1. **the report by the Director, Development and Community Services on the pARTicipate – Investigation into possibilities for Art and Culture- Phase 1 Report be received;**
2. **Council consider as a submission (including a draft position description with outcomes), to the 2014/15 Delivery/Operational Plan the employment of a Cultural Development Officer on a 6 month contract commencing January 2015.**
3. **that a Councillor workshop be held on the 16 April 2014 to nominate possible locations for a Regional Art Gallery.**
4. **Following on from the findings of the workshop Council proceed to the conceptual design phase of an Art Gallery for the two preferred options of the investigation once and if Council has determined that a physical building is the preferred option(s).**

### Executive summary

Council included in this year's Operational Plan an investigation into the provision of an art gallery for the Mid-Western Region. Council considered a report on the 5 February 2014 and adopted a process for the investigation. The purpose of this report is to present the phase 1 report to Council for consideration and seek direction from Council regarding the next stage of the process.

### Detailed report

Council adopted the process for the pARTicipate process at the meeting on the 5 February 2014. The date for the presentation of the phase 1 report was amended in response to a request by the Cultural Development Committee. The diagram below illustrates the process and current progress.



A full copy of the report up to the completion of the research phase is attached. It should be noted that the study is a working document with revision and additions to occur throughout the process.

Council conducted a survey and workshop through the research phase. The survey has been considered very successful with 363 responses. The good response rate is largely due to the “street stalls” held in each town which collected 203 responses.

The next phase of the investigation is the design stage. This stage will involve a more in-depth investigation into the options and projects identified by Council as the priority. Depending on the nature of projects selected by Council, this phase may include the employment an architect to assist in concept design. It is proposed to hold a workshop with Councillors on the 16 April to examine and nominate the priority locations for investigation. In the case of the Cultural Development Officer a full position description would be prepared including costings. The further investigation of the employment of a Cultural Development Officer to commence in January 2015 has been recommended to start projects that will build momentum for the Regional Art Gallery should it proceed and to provide specialist advice and form networks to promote the best design outcomes and leverage funding opportunities. It is proposed that a preliminary business plan be

prepared for each of the project/program. Details regarding the options for development are covered in the Investigation report.

### Financial and Operational Plan implications

The cost of pARTicipate was included in the 2013/14 Operational Plan. At this stage the recommendation to Council is for a further submission to the 2014/2015 Operational Plan for the funding of a Cultural Development Officer on a 6 month contract. Full details of this position will be investigated and reported to Council in the submission to the operational plan.

### Community Plan implications

This investigation provides Council with an opportunity to identify the needs and wants of the community for development of the arts in the regions. The investigation will provide important information, not only for Council to plan its immediate projects, but also projects in the future. It is important that throughout the process that the community understand that whilst Council is eager for them to submit their ideas that there is no commitment to delivery to all or any of the programs or facilities identified.

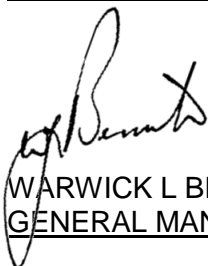


CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES

21 March 2014

*Attachments:* 1. pARTicipate – Investigation into possibilities for Art and Culture. Dated 21 March 2014 (included at the end of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.7 Financial Assistance Applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 2 APRIL 2014 COUNCIL MEETING

Financial Assistance report to council 02 April 2014

GOV400038, A0100056, A0140201

### RECOMMENDATION

#### That:

1. **the report by the Financial Accountant on the Financial Assistance Applications be received;**
2. **Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met, with the funding from the general financial assistance vote:**

<b>Cudgegong Country Ball Committee</b>	<b>\$749</b>
<b>Painters@Mudgee</b>	<b>\$39</b>
<b>Mudgee Support Group, Guide Dogs NSW</b>	<b>\$246.14</b>

### Executive summary

This report considers requests for financial assistance under the Council's Financial Assistance Policy.

### Detailed report

Provision is made in Council's Financial Assistance Policy for community not-for-profit organisations, group and individuals which offer a significant contribution to the social, economic and/or environmental well being of the Community.

Following are excerpts from submissions for financial assistance, together with staff comments on the applications.

#### *CUDGEGONG COUNTRY BALL COMMITTEE*

The 2nd annual Cudgegong Country Ball will be held on the 30th August 2014. Last year's event raised \$8000 for local schools. The request is for financial assistance by way of waiving the Rylstone Hall hire fee between 25/08/2014 to 31/08/2014.

We recommend that Council approve the amount of \$749.

#### *PAINTERS@MUDGE*

Further to the request of Painters@Mudgee from Council Meeting 20th February, Council agreed to waive the Stables Hire Fee for a group show being held on Friday 11th April. The booking is also for the Saturday 12th April which was not noted on the first letter.

They are asking for further support by way of waiving the Stables hire fee for the Saturday and we recommend that Council approve the amount of \$39 for the use of the Stables.

### *MUDGEES SUPPORT GROUP, GUIDE DOGS NSW*

Mudgee Support Group of Guide Dogs NSW is a not-for-profit organisation and is organising a fundraising event at the Mudgee Showground on the 1st May 2014. The request is for Council to consider decreasing the hire fee for the Showground and waiving the bond. The hire fee is \$525/day and a bond of \$850 is applicable.

We recommend that Council contribute the remaining financial assistance general funds to Mudgee Support Group, Guide Dogs NSW. However, should the prior recommendations be approved the remaining funds available for this request are \$246.14.

Due to the full allocation of financial assistance funds, it is recommended that Councillors consider using their discretionary funds to assist in raising a further \$1,128.86 to meet this request.

### Financial and Operational Plan implications

Funding of \$152,000 is provided in the Operational Plan for Financial Assistance. An additional \$32,636 has been allocated to the budget giving total funding of \$184,636.

Surplus funds which were approved in the Operational Plan have been returned to the budget and are outlined below:

- \$1500 from Kandos/Rylstone Swimming Club as the event in did not proceed.
- \$796.62 unspent from the Mudgee Small Farm Field Days allocation.

\$180,965.86 has been allocated to date, leaving a balance of \$1,034.14. Should Council approve the donations in accordance with the recommendation, the financial assistance budget will be fully spent.

The Councillor's Discretionary vote for 2013/14 is \$2,000 per Councillor. The balances are detailed below:

<b>Councillor</b>	<b>Remaining Funds</b>
Cr Thompson	\$1,300.00
Cr Shelley	\$450.00
Cr Walker	\$1,217.44
Cr Webb	\$700.00
Cr Martens	\$1,300.00
Cr Kennedy	\$2,000.00
Cr Weatherley	\$2,000.00
Cr White	\$450.00
Cr Cavalier	\$800.00

### Community Plan implications

Council's Financial Assistance Policy applies.

NEIL BUNGATE  
FINANCIAL ACCOUNTANT

BRETT EXELBY  
DIRECTOR, FINANCE & AMINISTRATION

21 March 2014

*Attachments:* 1. Applications for financial assistance

APPROVED FOR SUBMISSION:

  
WARWICK L BENNETT  
GENERAL MANAGER

24/2/14

To Mid - Western Regional Council,

I am writing on behalf of The Cudgegong Country Ball Committee.

We are holding our 2<sup>nd</sup> annual Cudgegong Country Ball on the 30<sup>th</sup> August 2014, and request the hall from 25/8/14 to the 31/8/14.


Last years ball was a great success as we raised \$8000 dollars for local schools.

We are hoping like last year you will waiver the hall fees to aid our fundraising efforts.

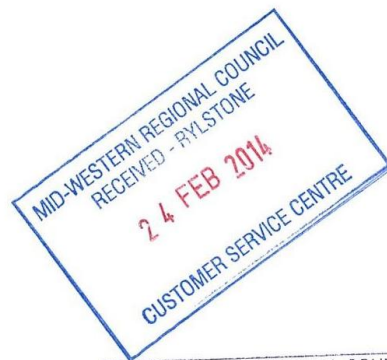
As per last year we would like to also confirm that we will be covered by council's public liability insurance.

We thank you for taking the time to consider our request and look forward to hearing from you in the near future.

Yours Sincerely  
Tanya Besant



Cudgegong Country Ball Committee.  
Po Box 71 Rylstone, N.S.W 2849.  
0400751954.



25.



Boonyumba Studio, 159 Cypress Dr.  
Yarrowonga 2850  
10 314.

Mid-Western  
Regional Council  
Mudgee

Dear Councillors,

From the 6th to the 13th of April a contingent of renowned Australian landscape artists will be converging on the township of Mudgee and surrounding areas for a week of Plein Air painting. Plein Air meaning to go out into our beautiful region to paint the local landscapes.

We currently have thirty four visiting artists confirmed to attend, each bringing their respective partners, as well as a troupe of local artists. All will be staying at various places in and around town, which will be a boost to the local tourist economy, something which I am sure you will agree is beneficial to all the region.

At the end of the week of painting, on Friday the 11th April 2014, a group show has been organised to be held at The Stables which will be open to all, artists and locals alike. I have already booked this venue for that event for April 11th and 12th. As all of the organisation for the entire week long event has been done on a voluntary basis, by myself, and with the influx of tourist dollars into the region, I feel it would be beneficial if the Mid-Western Council could show their support by at least waiving the hire fee of the Stables for the event. In return I would be pleased to advertise your generosity through use of your logo on our exhibition poster. You have already waived the fees for Friday night could you please waive the fees for Saturday 12th of April.

As this is an annual event, with more artists coming to the region each year, purely from word of mouth or from interest generated by the beautiful artworks which are created during the week. What better way to explore the beauty of our region than through the eyes of landscape artists. Any support you would be able to show us would be greatly appreciated by all.

With regards

A handwritten signature in blue ink that reads 'M B Carney'.

Marilyn Burch Carney

Email: [merilyncarney@bigpond.com](mailto:merilyncarney@bigpond.com)

Phone: 6374 1790



**Zola Spurr**

---

**From:** Sue Ann White [sueannwhite@bigpond.com]  
**Sent:** Monday, 10 March 2014 3:32 PM  
**To:** Council  
**Subject:** Hire of Pavilion with kitchen at Mudgee Showground.

Kate Power.  
Community Services,  
Midwestern Regional Council  
Mudgee.

Dear Kate,

I am representing the Mudgee Support Group of Guide Dogs NSW and would like to know if our group would be eligible for a council grant if we hired the Main Pavilion and Kitchen at the Mudgee Showground for a fundraising event. We require a venue on 1st May this year. I have spoken to MWRC and understand that the hire fee is \$525.00/day and there is also a bond of \$850.00.

I am wondering if the council would consider decreasing the hire fee and waiving the bond for our group as we are raising money for the Guide Dogs and are a not-for-profit organisation.

I hope to hear back from you soon.

Kind regards,  
Sue Ann White.  
President

Mudgee Support Group, Guide Dogs NSW.

Sent from my iPad

---

This e-mail has been scanned for viruses by MCI's Internet Managed Scanning Services - powered by MessageLabs. For further information visit <http://www.mci.com> or contact Information Technology Business Unit - Mid-Western Regional Council



## 6.2.8 Monthly Budget Review for February 2014

REPORT BY THE MANAGER, FINANCIAL PLANNING TO 2 APRIL 2014 COUNCIL MEETING  
Monthly Budget Review for February 2014  
GOV400038, A0100056, FIN300062

### RECOMMENDATION

#### That:

1. **the report by the Manager, Financial Planning on the Monthly Budget Review for February 2014 be received;**
2. **the 2013/14 Operational Plan be amended in accordance with the variations as listed on page 2 of the February 2014 Monthly Budget Review - 2013/14 Operational Plan/Delivery Program, and reproduced in the report below.**

### Executive summary

This report presents to Council the February Monthly Budget Review of the 2013/14 Operational Plan.

### Detailed report

Clause 202 of the *Local Government (General) Regulation 2005* states that the responsible accounting officer is to maintain a system of budgetary control that enables actual income and expenditure to be monitored each month and compared with the estimate of Council's income and expenditure and that any material difference be reported to the next meeting of Council.

This February Monthly Budget Review contains General Fund variations as follows:

- The take up of grant funding from the Rural Fire Service in order to build a heritage building at the Mudgee Airport. The estimated works this year will be \$150,000 with further grant funded works to this building to be approved next financial year;
- Provision for repairs to the emulsion tank at Mudgee Depot; and
- A reduction in expected income from S93F (Voluntary Planning Agreements) for Stage 2 of Moolarben Mine. This income is not expected until 2014/15, and has therefore been deferred.

There are also variations to the Water Fund to reallocate capital works budgets and the Saleyards Fund as specified in the table below.

Monthly Reporting:	<i>Proposed Variations</i>	
COMMUNITY PLAN THEME	VARIATION	AMOUNT
<b>GENERAL FUND</b>		
<b>Contra Variations</b>		
Looking after our Community	Savings Mullamuddy Rural Fire Service station capital works	50,000 C
Looking after our Community	Grant funding for the Cudgegong Heritage Rural Fire Service building	100,000 C
Looking after our Community	Construction of Cudgegong Heritage Rural Fire Service building, located at Mudgee Airport	(150,000) C
Good Government	Transfer from reserves - Asset Replacement Reserve	17,000 C
Good Government	Repairs to the emulsion tank at Mudgee depot	(17,000) C
Good Government	Reduce transfer to VPA - Moolarben stage 2	1,500,000 C
Good Government	Defer Moolarben stage 2 VPA contributions to 2014/15	(1,500,000) C
<b>Total Contra Variations</b>		<b>0</b>
<b>TOTAL GENERAL FUND</b>		<b>0</b>
<b>WATER FUND</b>		
<b>Contra Variations</b>		
Protecting our Natural Environment	Reduce water mains - capital budget only	20,000 C
Protecting our Natural Environment	Bawden Road water mains replacement - due to frequent water main breaks, it is recommended this project be moved forward from the 2014/15 program, and undertaken immediately	(20,000) C
Protecting our Natural Environment	Transfer from unspent grants - Rylstone security of supply water monitoring	11,000 C
Protecting our Natural Environment	Rylstone security of supply water monitoring - construction of lids for the valve chamber that house control equipment funded by the grant originally (2010)	(11,000) C
<b>Total Contra Variations</b>		<b>0</b>
<b>TOTAL WATER FUND</b>		<b>0</b>
<b>SALEYARDS FUND</b>		
<b>Contra Variations</b>		
Building a Strong Local Economy	Savings in electrical switch upgrade	3,000 C
Building a Strong Local Economy	Savings in post and rail replacement	2,000 C
Building a Strong Local Economy	Emergency replacement of potable water tank	(5,000) C
<b>Total Contra Variations</b>		<b>(5,000)</b>
<b>TOTAL SALEYARDS FUND</b>		<b>(5,000)</b>
<b>Code</b>		
U - Unfavourable; F - Favourable; C - Contra		

## Financial and Operational Plan implications

The proposed variations have nil impact on Council's projected unrestricted cash position to 30 June 2014.

## Community Plan implications

Not applicable.



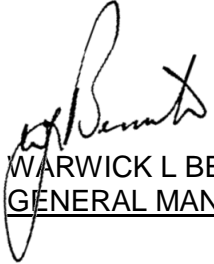
**LEONIE JOHNSON**  
**MANAGER FINANCIAL PLANNING**

**BRETT EXELBY**  
**DIRECTOR, FINANCE & ADMINISTRATION**

21 March 2014

*Attachments:* 1. Monthly Budget Review - Operational Plan/Delivery Program 2013/14 - February 2014 (included at the end of the Business Paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.9 Ulan and Cope Road Capital Upgrades

REPORT BY THE GENERAL MANAGER TO 2 APRIL 2014 COUNCIL MEETING

Ulan Road Upgrade

GOV400038, ROA100039

### RECOMMENDATION

That:

1. the report by the General Manager on the Ulan and Cope Road Capital Upgrades be received;
2. Council endorse the approval of the employment ten (10) additional staff to work on the Cope and Ulan Road Projects
3. Council approve the purchase of the following additional plant for use on the Ulan and Cope Road capital projects subject to the necessary procurement and tendering processes being adhered to:

	<i>Estimated Purchase Price</i>
2 x Construction Graders	\$920,000
2 x Water Carts	\$580,000
2 x sets of Traffic Lights	\$60,000
3 x Utilities	\$75,000
1 x Truck and Trailer	\$400,000
<b>TOTAL COST</b>	<b>\$2,035,000</b>

4. The Mayor and General Manager be delegated authority to sign the necessary agreement to secure the funding for the Ulan Road project (including affixing the common seal if required) with Ulan Coal Pty Ltd, Moolarben Coal and Wilpinjong Coal generally in accord with the agreements presented to Council confidentially.
5. The Mayor and General Manager be delegated authority to sign the necessary agreement to secure the funding for the Ulan and Cope Road projects (including affixing the common seal if required) with the State Government through Restart NSW generally in accord with the agreements presented to Council confidentially.

### Detailed report

Council has programmed the capital upgrades of Ulan Road and Cope Roads. Both projects are funded externally with Ulan road a combination of Restart NSW (Resources for the Regions) and the Coal Mines and Cope Road being all funded by Restart NSW (Resources for the Regions). The purpose of this report is to obtain the Council approval to increase the level of resources to undertake these projects and to give delegations to the Mayor and General Manager to enter into formal agreement with the mines and Restart NSW

### ULAN ROAD

The capital works programme for the Ulan Road commenced on the 1 April 2014. It is a four year and 3 month project. A copy of the proposed work schedule and cash flow statements are attached (attachment 1 and 2).

The total funding for capital works for the Ulan Road upgrade is \$18,640,850. This will be funded from \$9,455,593 from Restart NSW and \$9,185,257 between the three mines of Ulan Coal Pty Ltd, Moolarben Coal and Wilpinjong Coal (Peabody). The split between the three mines is notified to Council on a yearly basis and they will calculate that on the number of full time employees each mine has. The cash flow attached shows the split of the annual payments made to Council. Of course all payments made to Council will be adjusted annually by CCI (Cost Construction Index).

Additional to the capital works programme Council will also be required to undertake a maintenance programme over the next twenty years. A copy of the maintenance schedule of works is also attached to this report (attachment 3). The maintenance programme for the 20 years will cost \$14,877,365. That will be funded by the three mines at \$10,988,517 and Council at \$3,888,848. The Council share will come direct from General rate at \$194,424 per annum. All annual payments and contributions will also be adjusted by CCI.

It has been agreed by all parties that Council will undertake all the physical works. To undertake the capital works in the agreed timeframe Council will need to employ an additional works crew of 4 staff. That will mean that two crews will be dedicated to this project for the majority of the time period. Council will recall that we recently approved and appointed a project works engineer for this project and an additional 4 staff for the second crew will also be needed.. The two crews on this project will be managed on a daily basis with an existing Works Officer.

Council also needs to resource the second crew with plant and machinery. The plant required for Council to operate a second crew will be:

Quantity	Description	Purchase Price (\$)
1	Construction Grader with GPS	460,000
2	Rollers (1 Padfoot and 1 smooth drum)	Recommendation to Hire
1	Water Cart	290,000
	Traffic Lights	30,000
1	Utility – dual cab	25,000

The recommendation in this report is to purchase the grader the water cart, traffic lights and the dual cab ute but hire the rollers. The reason for hiring the rollers is that the cost of hiring from Rollers Australia is very competitive and over the life of this project, hiring is more cost effective.

The cost of plant purchase will be \$805,000 and funded from the Council plant renewal fund. The cost of this plant is then charged out to the projects on an hourly rate or per kilometre rate. At the end of the capital works programme the plant will either be sold or used to replace other aging plant in the fleet which would be due for replacement.

The maintenance work required on the road as per the agreement will be undertaken by existing staff.

Included in the confidential portion of this business paper are the proposed agreements with the three mines (attachment 6) and Restart NSW (attachment 7). The reason why these agreements remain confidential at this time is that negotiations with the State Government and the mines are not yet complete. There is agreement in principle on all matters but the final wording of the documents need to be refined.

*COPE ROAD*

As Council is aware we have just secured \$6.7 million for the capital upgrade of Cope Road including Rouse Street in Gulgong. This project is fully funded by Resources to the Regions through Restart NSW. The details of the agreement with the State Government are expected to be same as the Ulan Road agreement and we have just commenced discussions with Restart NSW on this agreement. The project will take two and a half years. A copy of the proposed works programme is attached (attachment 4) and the cash flow statement (attachment 5)

Council will undertake the physical works for this project. To undertake the capital works in the agreed timeframe Council will need to employ an additional works crew of 4 staff and an additional Works Officer. As stated above Council recently approved and appointed a project works engineer for the Ulan Road project. This engineer will also manage this Cope Road project. The staff will be appointed on a fixed term contract for the life of this project.

Council also needs to resource this works crew with plant and machinery. The plant required for Council to operate a second crew will be:-

Quantity	Description	Purchase Price (\$)
1	Construction Grader with GPS	460,000
2	Rollers (1 Padfoot and 1 smooth drum)	Recommendation to Hire
1	Water Cart	290,000
	Traffic Lights	30,000
2	Utility – dual cab	50,000

The recommendation in this report is to purchase the grader the water cart, traffic lights and the two dual cab ute but hire the rollers. The reason for hiring the rollers is that the cost of hiring from Rollers Australia is very competitive and over the life of this project, and thus hiring is more cost effective. Also the rollers are not needed for the total time of the project. The additional ute will be for the Works Officer who may need to travel at different times from the staff employed on site.

The cost of plant purchase will be \$830,000 and funded from the Council plant renewal fund. The cost of this plant is then charged out to the projects on an hourly rate or per kilometre rate. At the end of the capital works programme the plant will either be sold or used to replace other aging plant in the fleet which would be due for replacement.

*PLANT FOR BOTH PROJECTS*

Additional to the plant list above one extra truck and trailer is required to service both projects. Council does have difficulty from time to time wet hiring truck and trailers that are available when needed. The recommendation in this report is to purchase one additional truck and trailer for both projects and that we use wet hire of other truck and trailers to supplement when required.

The cost of a truck and trailer is \$400,000. A additional operator will also be required to drive the truck who will be employed on a fixed term contract for the life of the project. At the end of the capital works programme the plant will either be sold or used to replace other aging plant in the fleet which would be due for replacement.

**In summary**, the additional resources required will be:-

**Staff**

9 X additional staff - combination of labourers and plant operators  
1 X additional Works Officer

## Plant

Quantity	Description	Estimated Purchase Price	Estimated Resale Price
2	Construction Graders	920,000	350,000
2	Water Carts	580,000	250,000
2	Sets of Traffic Lights	60,000	Nil
3	Utilities	75,000	30,000
1	Truck and Trailer	400,000	100,000
	<b>TOTAL COST</b>	<b>\$2,035,000</b>	<b>\$730,000</b>

The labour costs plus overheads will be a direct charge to the projects and the cost of the plant will be charged at the appropriate commercial rate on an hourly or per kilometre basis.

The plant will be purchase from the plant replacement/renewal fund which has a minimum balance over the next four years of \$2.7 million. The sale proceeds at the end of the project will of course be returned to that reserve account. The plant renewal account will receive additional income during this period that will boost these balances because of the additional hire charges with the use of this plant.

## Financial and Operational Plan implications

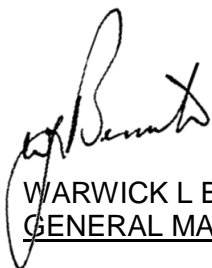
As per the details in this report.

## Community Plan implications

Council has now secure funding for the upgrades of Ulan and Cope Roads. This report in terms of "Connecting the Region" ensures that the proposed project is implemented in accordance with agreements with other parties and time frames established.

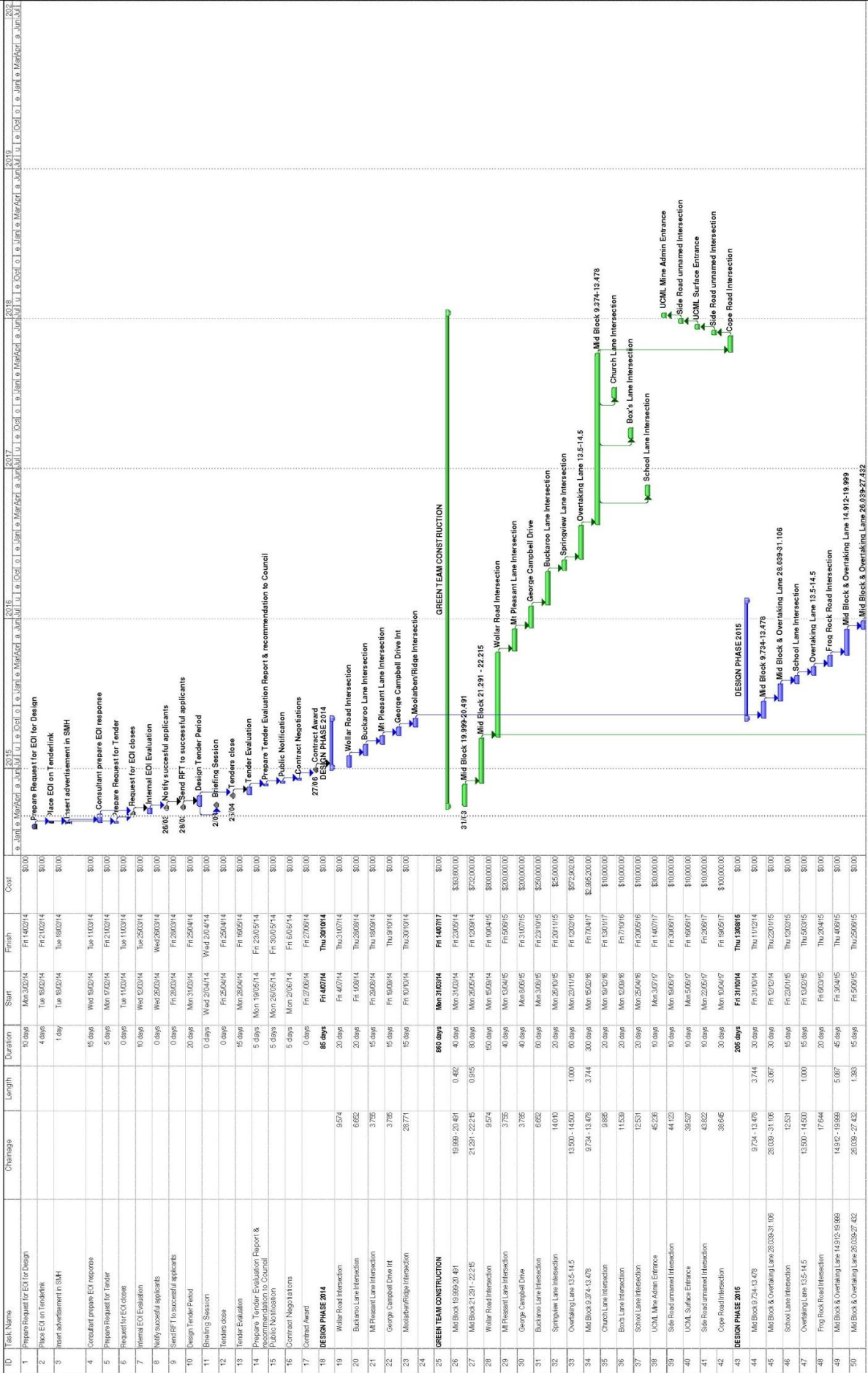
21 March 2014

- Attachments:*
1. Proposed capital works schedule – Ulan Road
  2. Capital works cash flow statement – Ulan Road
  3. Proposed maintenance works schedule – Ulan Road
  4. Proposed capital works schedule – Cope Road
  5. Capital works cash flow statement – Cope Road
  6. Proposed Deed of Agreement with the three coal mines (included in the confidential section of this business paper)
  7. Proposed NSW Restart Funding Agreement (included in the confidential section of this business paper)



WARWICK L BENNETT  
GENERAL MANAGER

ULAN ROAD UPGRADE PROJECT PROGRAM



Project: 140213 Ulan Road Complete  
Date: Thu 6/03/14

Progress: [Progress bar showing 100% completion]

Milestones: [Milestone markers]

Summary: [Summary bar]

Project Summary: [Project Summary bar]

External Milestone: [External Milestone bar]

External Tasks: [External Tasks bar]

Deadline: [Deadline bar]



**ULAN ROAD UPGRADE  
MONTHLY CASHFLOW REPORT**



<b>Financial Year</b>	<b>Month</b>	<b>Cost</b>	<b>Cumulative Cost</b>
<b>2013/14</b>	March	\$ 9,840.00	\$ 9,840.00
	April	\$ 216,480.00	\$ 226,320.00
	May	\$ 213,030.00	\$ 439,350.00
	June	\$ 192,150.00	\$ 631,500.00
<b>2014/15</b>	July	\$ 210,450.00	\$ 841,950.00
	August	\$ 192,150.00	\$ 1,034,100.00
	September	\$ 278,540.00	\$ 1,312,640.00
	October	\$ 358,493.34	\$ 1,671,133.34
	November	\$ 311,733.34	\$ 1,982,866.68
	December	\$ 364,493.34	\$ 2,347,360.02
	January	\$ 346,906.66	\$ 2,694,266.68
	February	\$ 311,733.34	\$ 3,006,000.02
	March	\$ 342,906.66	\$ 3,348,906.68
	April	\$ 338,240.00	\$ 3,687,146.68
	May	\$ 355,720.00	\$ 4,042,866.68
	June	\$ 491,333.33	\$ 4,534,200.01
<b>2015/16</b>	July	\$ 414,092.16	\$ 4,948,292.17
	August	\$ 346,696.77	\$ 5,294,988.94
	September	\$ 357,968.05	\$ 5,652,956.99
	October	\$ 343,384.71	\$ 5,996,341.70
	November	\$ 330,236.97	\$ 6,326,578.67
	December	\$ 507,518.41	\$ 6,834,097.08
	January	\$ 455,212.47	\$ 7,289,309.55
	February	\$ 459,504.44	\$ 7,748,813.99
	March	\$ 533,037.98	\$ 8,281,851.97
	April	\$ 597,610.77	\$ 8,879,462.74
	May	\$ 587,199.38	\$ 9,466,662.12
	June	\$ 386,007.90	\$ 9,852,670.02
<b>2016/17</b>	July	\$ 361,272.42	\$ 10,213,942.44
	August	\$ 553,031.36	\$ 10,766,973.80
	September	\$ 536,486.52	\$ 11,303,460.32
	October	\$ 507,441.68	\$ 11,810,902.00
	November	\$ 537,986.52	\$ 12,348,888.52
	December	\$ 534,986.52	\$ 12,883,875.04
	January	\$ 396,253.33	\$ 13,280,128.37
	February	\$ 444,022.21	\$ 13,724,150.58
	March	\$ 510,625.54	\$ 14,234,776.12
	April	\$ 344,262.21	\$ 14,579,038.33
	May	\$ 338,993.54	\$ 14,918,031.87
	June	\$ 290,776.43	\$ 15,208,808.30
<b>2017/18</b>	July	\$ 289,309.32	\$ 15,498,117.62
	August	\$ 286,743.54	\$ 15,784,861.16
	September	\$ 258,059.32	\$ 16,042,920.48
	October	\$ 268,776.43	\$ 16,311,696.91
	November	\$ 268,776.43	\$ 16,580,473.34
	December	\$ 339,892.65	\$ 16,920,365.99
	January	\$ 376,826.87	\$ 17,297,192.86
	February	\$ 315,175.54	\$ 17,612,368.40
	March	\$ 268,776.43	\$ 17,881,144.83
	April	\$ 259,559.32	\$ 18,140,704.15
	May	\$ 287,993.54	\$ 18,428,697.69
	June	\$ 256,559.32	\$ 18,685,257.01
		<b>\$ 18,685,257.01</b>	





ID	File Name	Length	Treatment	Start	Finish	Duration	Budget Estimate	Task
1	COPE Rd Project Program			Tue 10/7/14	Wed 14/12/16	632 days	\$5,700,000.00	COPE Rd Project Program
2	Milestone 5			Mon 06/07/14	Wed 14/12/16	263 days	\$1,100,000.00	Milestone 5
3	seg 3430 - Chapman St	0.9	Widen/Rebase	Mon 06/07/14	Mon 06/07/14	1 day	\$147,000.00	seg 3430 - Chapman St
4	seg 3430 - Chapman St	0.9	Rebase	Mon 13/07/14	Mon 13/07/14	1 day	\$147,000.00	seg 3430 - Chapman St
5	seg 3430 - Chapman St	0.9	Rebase	Mon 20/07/14	Mon 20/07/14	1 day	\$147,000.00	seg 3430 - Chapman St
6	seg 3430 - Chapman St	0.9	Rebase	Mon 27/07/14	Mon 27/07/14	1 day	\$147,000.00	seg 3430 - Chapman St
7	Station Reserve Strip	0.25	Contingency	Mon 20/08/14	Mon 20/08/14	1 day	\$17,500.00	Station Reserve Strip
8	Station Reserve Strip	0.25	Contingency	Mon 27/08/14	Mon 27/08/14	1 day	\$17,500.00	Station Reserve Strip
9	Station Reserve Strip	0.25	Contingency	Mon 03/09/14	Mon 03/09/14	1 day	\$17,500.00	Station Reserve Strip
10	Station Reserve Strip	0.25	Contingency	Mon 10/09/14	Mon 10/09/14	1 day	\$17,500.00	Station Reserve Strip
11	Station Reserve Strip	0.25	Contingency	Mon 17/09/14	Mon 17/09/14	1 day	\$17,500.00	Station Reserve Strip
12	Station Reserve Strip	0.25	Contingency	Mon 24/09/14	Mon 24/09/14	1 day	\$17,500.00	Station Reserve Strip
13	Station Reserve Strip	0.25	Contingency	Mon 01/10/14	Mon 01/10/14	1 day	\$17,500.00	Station Reserve Strip
14	Station Reserve Strip	0.25	Contingency	Mon 08/10/14	Mon 08/10/14	1 day	\$17,500.00	Station Reserve Strip
15	Station Reserve Strip	0.25	Contingency	Mon 15/10/14	Mon 15/10/14	1 day	\$17,500.00	Station Reserve Strip
16	Station Reserve Strip	0.25	Contingency	Mon 22/10/14	Mon 22/10/14	1 day	\$17,500.00	Station Reserve Strip
17	Station Reserve Strip	0.25	Contingency	Mon 29/10/14	Mon 29/10/14	1 day	\$17,500.00	Station Reserve Strip
18	Station Reserve Strip	0.25	Contingency	Mon 05/11/14	Mon 05/11/14	1 day	\$17,500.00	Station Reserve Strip
19	Station Reserve Strip	0.25	Contingency	Mon 12/11/14	Mon 12/11/14	1 day	\$17,500.00	Station Reserve Strip
20	Station Reserve Strip	0.25	Contingency	Mon 19/11/14	Mon 19/11/14	1 day	\$17,500.00	Station Reserve Strip
21	Station Reserve Strip	0.25	Contingency	Mon 26/11/14	Mon 26/11/14	1 day	\$17,500.00	Station Reserve Strip
22	Station Reserve Strip	0.25	Contingency	Mon 03/12/14	Mon 03/12/14	1 day	\$17,500.00	Station Reserve Strip
23	Station Reserve Strip	0.25	Contingency	Mon 10/12/14	Mon 10/12/14	1 day	\$17,500.00	Station Reserve Strip
24	Station Reserve Strip	0.25	Contingency	Mon 17/12/14	Mon 17/12/14	1 day	\$17,500.00	Station Reserve Strip
25	Station Reserve Strip	0.25	Contingency	Mon 24/12/14	Mon 24/12/14	1 day	\$17,500.00	Station Reserve Strip
26	Station Reserve Strip	0.25	Contingency	Mon 31/12/14	Mon 31/12/14	1 day	\$17,500.00	Station Reserve Strip
27	Station Reserve Strip	0.25	Contingency	Mon 07/01/15	Mon 07/01/15	1 day	\$17,500.00	Station Reserve Strip
28	Station Reserve Strip	0.25	Contingency	Mon 14/01/15	Mon 14/01/15	1 day	\$17,500.00	Station Reserve Strip
29	Station Reserve Strip	0.25	Contingency	Mon 21/01/15	Mon 21/01/15	1 day	\$17,500.00	Station Reserve Strip
30	Station Reserve Strip	0.25	Contingency	Mon 28/01/15	Mon 28/01/15	1 day	\$17,500.00	Station Reserve Strip
31	Station Reserve Strip	0.25	Contingency	Mon 04/02/15	Mon 04/02/15	1 day	\$17,500.00	Station Reserve Strip
32	Station Reserve Strip	0.25	Contingency	Mon 11/02/15	Mon 11/02/15	1 day	\$17,500.00	Station Reserve Strip
33	Station Reserve Strip	0.25	Contingency	Mon 18/02/15	Mon 18/02/15	1 day	\$17,500.00	Station Reserve Strip
34	Station Reserve Strip	0.25	Contingency	Mon 25/02/15	Mon 25/02/15	1 day	\$17,500.00	Station Reserve Strip
35	Station Reserve Strip	0.25	Contingency	Mon 04/03/15	Mon 04/03/15	1 day	\$17,500.00	Station Reserve Strip
36	Station Reserve Strip	0.25	Contingency	Mon 11/03/15	Mon 11/03/15	1 day	\$17,500.00	Station Reserve Strip
37	Station Reserve Strip	0.25	Contingency	Mon 18/03/15	Mon 18/03/15	1 day	\$17,500.00	Station Reserve Strip
38	Station Reserve Strip	0.25	Contingency	Mon 25/03/15	Mon 25/03/15	1 day	\$17,500.00	Station Reserve Strip
39	Station Reserve Strip	0.25	Contingency	Mon 01/04/15	Mon 01/04/15	1 day	\$17,500.00	Station Reserve Strip
40	Station Reserve Strip	0.25	Contingency	Mon 08/04/15	Mon 08/04/15	1 day	\$17,500.00	Station Reserve Strip
41	Station Reserve Strip	0.25	Contingency	Mon 15/04/15	Mon 15/04/15	1 day	\$17,500.00	Station Reserve Strip
42	Station Reserve Strip	0.25	Contingency	Mon 22/04/15	Mon 22/04/15	1 day	\$17,500.00	Station Reserve Strip
43	Station Reserve Strip	0.25	Contingency	Mon 29/04/15	Mon 29/04/15	1 day	\$17,500.00	Station Reserve Strip
44	Station Reserve Strip	0.25	Contingency	Mon 06/05/15	Mon 06/05/15	1 day	\$17,500.00	Station Reserve Strip
45	Station Reserve Strip	0.25	Contingency	Mon 13/05/15	Mon 13/05/15	1 day	\$17,500.00	Station Reserve Strip
46	Station Reserve Strip	0.25	Contingency	Mon 20/05/15	Mon 20/05/15	1 day	\$17,500.00	Station Reserve Strip
47	Station Reserve Strip	0.25	Contingency	Mon 27/05/15	Mon 27/05/15	1 day	\$17,500.00	Station Reserve Strip
48	Station Reserve Strip	0.25	Contingency	Mon 03/06/15	Mon 03/06/15	1 day	\$17,500.00	Station Reserve Strip
49	Station Reserve Strip	0.25	Contingency	Mon 10/06/15	Mon 10/06/15	1 day	\$17,500.00	Station Reserve Strip
50	Station Reserve Strip	0.25	Contingency	Mon 17/06/15	Mon 17/06/15	1 day	\$17,500.00	Station Reserve Strip
51	Station Reserve Strip	0.25	Contingency	Mon 24/06/15	Mon 24/06/15	1 day	\$17,500.00	Station Reserve Strip
52	Station Reserve Strip	0.25	Contingency	Mon 01/07/15	Mon 01/07/15	1 day	\$17,500.00	Station Reserve Strip
53	Station Reserve Strip	0.25	Contingency	Mon 08/07/15	Mon 08/07/15	1 day	\$17,500.00	Station Reserve Strip
54	Station Reserve Strip	0.25	Contingency	Mon 15/07/15	Mon 15/07/15	1 day	\$17,500.00	Station Reserve Strip
55	Station Reserve Strip	0.25	Contingency	Mon 22/07/15	Mon 22/07/15	1 day	\$17,500.00	Station Reserve Strip
56	Station Reserve Strip	0.25	Contingency	Mon 29/07/15	Mon 29/07/15	1 day	\$17,500.00	Station Reserve Strip
57	Station Reserve Strip	0.25	Contingency	Mon 05/08/15	Mon 05/08/15	1 day	\$17,500.00	Station Reserve Strip
58	Station Reserve Strip	0.25	Contingency	Mon 12/08/15	Mon 12/08/15	1 day	\$17,500.00	Station Reserve Strip
59	Station Reserve Strip	0.25	Contingency	Mon 19/08/15	Mon 19/08/15	1 day	\$17,500.00	Station Reserve Strip
60	Station Reserve Strip	0.25	Contingency	Mon 26/08/15	Mon 26/08/15	1 day	\$17,500.00	Station Reserve Strip

COPE ROAD UPGRADE PROJECT PROGRAM

Project Summary: Milestones, Progress, Summary, External Tasks, External Milestones, Details

Task: Milestones

Page 1



**COPE ROAD UPGRADE  
CASHFLOW REPORT**

	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Total
Cope Rd Project Program																
Milestone 5																
seg 3040- Caledonian St							\$188,642.86	\$158,857.14								\$347,500.00
Caledonian / Rouse Inter							\$50,000.00	\$50,000.00								\$50,000.00
seg 3045- Rouse St							\$57,500.00	\$115,000.00								\$172,500.00
seg 3050- Rouse St								\$55,102.00								\$55,102.00
seg 3055- Rouse St							\$41,000.00									\$41,000.00
seg 3060- Rouse St							\$55,500.00	\$142,000.00								\$177,500.00
Station / Rouse Inter																
seg 3065- MR 508 (Cope Road)								\$105,000.00			\$52,500.00					\$157,500.00
Cope/Railway St (T inter)											\$10,000.00					\$10,000.00
Cope/Tallowang St (T inter)											\$10,000.00					\$10,000.00
Cope/Saleyards Lane (T inter)											\$18,600.00					\$18,600.00
seg 3070- Cope Road												\$12,400.00				\$12,400.00
seg 3075- Cope Road												\$48,096.00				\$48,096.00
Cope/Tippings Rd (T inter)												\$10,000.00				\$10,000.00
Cope/Happy Valley (T inter)												\$10,000.00				\$10,000.00
Cope/Black Lead (T inter)												\$3,333.33				\$3,333.33
Cope/Nugget Lanes (T inter)												\$6,666.67				\$6,666.67
Conforming, Beasels and 13/14 Lunderd												\$10,000.00				\$10,000.00
seg 3075- Cope Road																
Cope/Mesa Shaft Lane (T inter)																
seg 3080- Cope Road																\$48,240.00
Cope/Marines Crossing (cross road)																
seg 3085- Cope Road																\$34,450.00
seg 3085- Cope Road																\$20,000.00
Conforming, Beasels and 13/14 Lunderd																
seg 3090- Cope Road																
seg 3095- Cope Road																
Cope/Wyoming Rd (T inter)																\$71,684.00
Cope/Beala Rd (T inter)																\$52,176.00
seg 3100- Cope Road																
seg 3105- Cope Road																\$34,920.00
Cope/Blue Springs road (T inter)																\$55,680.00
seg 3110- Cope Road																
seg 3115- Cope Road																
Milestone 1																
seg 3120- Cope Road																
Cope/Springwood Park Rd (T inter)																
seg 3125- Cope Road																
Major Culvert Widening - Deadmans Creek																
Milestone 4							\$189,166.67	\$208,075.00								\$594,500.00
seg 3130- Cope Road							\$36,080.00	\$27,060.00								\$63,140.00
seg 3135- Cope Road																\$10,000.00
Milestone 2																
seg 3140- Cope Road																\$32,000.00
seg 3145- Cope Road																\$831,000.00
Resurf, Conforming																\$190,000.00
seg 3145- Cope Road																
seg 3145- Cope Road																
seg 3145- Cope Road																
seg 3145- Cope Road																
Cope/Highett Rd (T inter)												\$30,096.00				\$30,096.00
Milestone 3																
seg 3150- Cope Road																\$55,904.00
seg 3155- Cope Road																
seg 3160- Cope Road																\$175,000.00
seg 3165- Cope Road																\$492,500.01
seg 3170- Cope Road																\$531,000.00
seg 3175- Cope Road																\$286,500.00
seg 3170- Cope Road																\$20,000.00
seg 3170- Cope Road																\$54,848.00
seg 3170- Cope Road																\$200,000.00
Unmarking full length																
Unmarking Full Length																
Total	\$234,848.00	\$199,166.67	\$208,075.00	\$224,398.33	\$189,420.00	\$198,420.00	\$215,702.86	\$266,367.14	\$286,602.00	\$247,000.00	\$185,100.00	\$89,829.33	\$16,666.67			\$6,700,000.01

## 6.2.10 Independent Local Government Review Panel Response

REPORT BY THE GENERAL MANAGER TO 2 APRIL 2014 COUNCIL MEETING

Local Government Independent Review Panel Response

GOV400038, A0170031

### RECOMMENDATION

That:

1. **the report by the General Manager on the Independent Local Government Review Panel Response be received;**
2. **Council respond to the State Government on the 65 recommendations in the NSW Independent Local Government Independent Review Panel in accordance with the responses in this report (as amended if any).**

### Detailed report

As Council will be aware the Minister of Local Government has now release the final report of the NSW Independent Local Government Review Panel. The panel's report is focused on wide ranging and concerted action that they consider essential to made NSW Local Government sustainable and fit for purpose into the mid 21st century. The panel has made 65 recommendations.

Set out below are the 65 recommendations that the Panel have made with the proposed Council response. This report should be read in conjunction with the review panels final report provided to Councillors under separate cover. Submissions on this report originally close on 7 March 2014 but the Minister has extended submissions to the 7th April

At the Council meeting on the 5th March additional comments were made by Council which added to or amended the recommendations. The changes are highlighted in yellow below.

RECOMMENDATIONS	COUNCIL'S RESPONSE
<b>Fiscal Responsibility</b>	
1 Establish an integrated Fiscal Responsibility Program, coordinated by DLG and also involving TCorp, IPART and LGNSW to address the key findings and recommendations of TCorp's financial sustainability review and DLG's infrastructure audit (5.1 and 5.3)	Agree. It's important that such a program be prepared that sets the minimum standard required of a local government unit. It is also important that local government is able to review and have input into the design of the program
2 As part of the program: <ul style="list-style-type: none"> <li>• Adopt an agreed set of sustainability benchmarks (5.1)</li> <li>• Introduce more rigorous guidelines for Delivery Programs as proposed in Box 9 (5.2)</li> <li>• Commission TCorp to undertake regular follow-up sustainability assessments (5.3)</li> <li>• Provide additional training programs for councillors and staff (5.3)</li> <li>• Require all councils to employ an appropriately qualified Chief Financial Officer (5.3)</li> </ul>	<p>Agree as per comments in answer to question 1 above.</p> <p>Agree</p> <p>Agree</p> <p>Agree</p> <p>Agree - but could be amended to require either employee or consultant hired to oversee financials</p>
3 Place local government audits under the aegis of	Agree - as long as there is accountabilities in



RECOMMENDATIONS	COUNCIL'S RESPONSE
the Auditor General (5.4)	place and that costs are controlled as not become a further financial burden on local government
4 Ensure that the provisions of the State-Local Government Agreement are used effectively to address cost-shifting (5.5)	Agree. Such an agreement must have realistic and achievable outcomes that State Government is committed to genuinely addressing the cost shifting. A clause should be included that Government cannot pass legislation that affects local government until the cost shifting mechanisms have been addressed.
<b>Strengthening Revenues</b>	
5 Require councils to prepare and publish more rigorous Revenue Policies (6.1)	Disagree. The community has the ability to make submissions during the public consultation process on the Operational and Delivery Plans and seeking explanations on all policies and Council plans. This is an area that communities have not expressed an interest and thus why increase the bureaucracy.
6 Commission IPART to undertake a further review of the rating system focused on: <ul style="list-style-type: none"> <li>• Options to reduce or remove excessive exemptions and concessions that are contrary to sound fiscal policy and jeopardise councils' long term sustainability (6.2)</li> <li>• More equitable rating of apartments and other multi-unit dwellings, including giving councils the option of rating residential properties on Capital Improved Values, with a view to raising additional revenues where affordable (6.3)</li> </ul>	<p>Such a review needs to cover a wider focus.</p> <p>A number of Councils are having difficulty with the rating of mines. Recent court decision have meant that land owned by coal mines that is currently used for mining purposes cannot be necessarily rated mining pursuant to Section 517 of the Local Government Act. Mining companies purchase land for noise and dust attenuation purposes as well as for environmental offsets. These lands are taken away from agricultural purposes and the mine cannot operate without this land. It is therefore appropriate that this land be rated mining.</p> <p>Also mining companies, as part of their environmental offset programs are gifting land to the State Government and declaring it national park or conservation land. This automatically makes the land non-rateable, even though they are often mining under the land, or require the land for a buffer between their operations and neighbours.</p> <p>There needs to be a complete and detailed review of the legislation relating to this matter so that local communities are not subsidising mining companies through their rates, because they have the resources to be able to work their way around the system.</p>
7 Either replace rate-pegging with a new system of 'rate benchmarking' or streamline current arrangements to remove unwarranted complexity, costs, and constraints to sound financial management (6.5)	<p>This Council supports the retention of rate pegging and that Government looks at other methods of funding that will assist Local Government in funding the infrastructure back log.</p> <p>However Council is requesting Government to amend the legislation that allows Councils to</p>

RECOMMENDATIONS	COUNCIL'S RESPONSE
	rate temporary state significant developments beyond the rate cap. When a new development is imposed on a Council area such as a coal mine the cost of maintaining infrastructure increases. The property that the mine owns and/or operates will have a changes in rate categorisation and thus a higher rate in the dollar. Any additional income from that recategorisation should be additional rate income to Council and not form part of the rate cap. And when the temporary development ceases then Councils can still maintain the original rate income without a sharp cost burden to the other ratepayers when the development ceases to operated
8 Subject to any legal constraints, seek to redistribute federal Financial Assistance Grants and some State grants in order to channel additional support to councils and communities with the greatest needs (6.6)	Agree. There needs to be more support of all communities and the infrastructure they require from the Federal Government. There will also need to be put in place an agreed, rigorous and fair methodology to achieve this.
9 Establish a State- borrowing facility to encourage local government to make increased use of debt where appropriate by: <ul style="list-style-type: none"> <li>• Reducing the level of interest rates paid by councils</li> <li>• Providing low-cost financial and treasury management advisory services (6.7)</li> </ul>	Agree. There also needs to be a review of the guidelines dictated by the State Government through the Division of Local Government that allows councils to better use its surplus funds for internal borrowings for infrastructural capital projects, as long as the long-term financial strategies competently address all issues into the future.
10 Encourage councils to make increased use of fees and charges and remove restrictions on fees for statutory approvals and inspections, subject to monitoring and benchmarking by IPART (6.8)	Agree. The fees need to reflect an appropriate level of cost recovery based on service level, user benefit and principles of equity.
<b>Meeting Infrastructure Needs</b>	
11 Factor the need to address infrastructure backlogs into any future rate-pegging or local government cost index (7.1)	Refer to comments to question 7 above. Local councils understand their infrastructural backlog needs, and some of this backlog could be addressed with more royalties from mining becoming available to communities that are most impacted by those mining operations
12 Maintain the Local Infrastructure Renewal Scheme (LIRS) for at least 5 years, with a focus on councils facing the most severe infrastructure problems (7.2)	Agree but requires broader scope in terms of eligible projects and a payback period that is more representative of the asset life.
13 Pool a proportion of funds from the roads component of federal Financial Assistance Grants and, if possible, the Roads to Recovery program in order to establish a Strategic Projects Fund for roads and bridges that would: <ul style="list-style-type: none"> <li>• Provide supplementary support for councils facing severe infrastructure backlogs that cannot reasonably be funded from other available sources</li> <li>• Fund regional projects of particular economic, social or environmental value (7.2)</li> </ul>	Agree, however such a pool of funds will need some very strict guidelines and input by Local Government. The last thing Local Government needs is to again be going 'cap in hand' to some form of Government committee to determine what the priority for roads needs is in the community. The politics will need to be taken out of the guidelines. The process will need to be rigorous and transparent.



RECOMMENDATIONS	COUNCIL'S RESPONSE
14 Require councils applying for supplementary support from the Strategic Projects Fund to undergo independent assessments of their asset and financial management performance (7.2)	Agree.
15 Carefully examine any changes to development (infrastructure) contributions to ensure there are no unwarranted impacts on council finances and ratepayers (7.3)	Agree.
16 Adopt a similar model to Queensland's Regional Roads and Transport Groups in order to improve strategic network planning and foster ongoing improvement of asset management expertise in councils (7.4)	Agree.
17 Establish Regional Water Alliances as part of new regional Joint Organisations proposed in section 11 (7.5).	Strongly disagree. This is only adding an additional layer of bureaucracy to Local Government which is unnecessary. Most councils are managing their financials and water supplies extremely competently and effectively. To suggest that an additional layer of bureaucracy be part of the management of our water and sewer schemes is only adding additional unnecessary costs to the community.
<b>Improvement, Productivity and Accountability</b>	
18 Adopt a uniform core set of performance indicators for councils, linked to IPR requirements, and ensure ongoing performance monitoring is adequately resourced (8.1)	Agree, but such performance indicators must be practical and easily developed. Local Government is all about delivering services to its community, not regularly focused on producing performance indicators that consume resources and add additional costs to the infrastructure with no sustainable benefit.
19 Commission IPART to undertake a whole-of-government review of the regulatory, compliance and reporting burden on councils (8.2)	Agree. Such a review should involve Local Government personnel to ensure the outcomes are pragmatic and achievable.
20 Establish a new sector-wide program to promote, capture and disseminate innovation and best practice (8.3)	Agree.
21 Amend IPR Guidelines to require councils to incorporate regular service reviews in their Delivery Programs (8.4)	Agree.
22 Strengthen requirements for internal and performance auditing as proposed in Box 17 (8.5)	Agree, but again, this needs to be pragmatic. Internal and performance auditing is essential to good outcomes of Local Government, however the auditing process needs to have practical and deliverable outcomes that improve the efficiency and effectiveness of our service delivery to our community.
23 Introduce legislative provisions for councils to hold Annual General Meetings (8.6)	Disagree. This is an unnecessary additional bureaucratic burden upon Local Government with no deliverable outcome which will improve services to our community. If councils are of the

RECOMMENDATIONS	COUNCIL'S RESPONSE
	opinion that this would be useful for their community, then they can do it on a voluntary basis. It should not be part of legislation to add yet another impost upon the organisation that will achieve very little outcome. The integrated planning and reporting process is more than sufficient for Local Government to effectively engage with its community. There are no tangible benefits to communities for an AGM.
24 Develop a NSW Local Government Workforce Strategy (8.7)	Agree in principle but the detail of the strategy will need to have extensive local government input.
25 Explore opportunities for the Local Government Award to continue to evolve to address future challenges facing the sector and changing operational needs.	Agree. Any review of the Local Government award should be delegated to individual councils. It is inappropriate for a state award that is generic to all councils in NSW. What is right for an industrial situation in a Sydney council is not necessarily appropriate for a regional council. Each council should be given the right to settle its own industrial award with its own staff and this role should be taken away from a state wide controlled and directed outcome.
<b>Political Leadership and Good Governance</b>	
26 Amend the Local Government Act to strengthen political leadership:	
<ul style="list-style-type: none"> <li>Require councils to undertake regular 'representation reviews' covering matters such as the number of councillors, method of election and use of wards (9.1)</li> </ul>	Agree.
<ul style="list-style-type: none"> <li>Before their nomination is accepted, require all potential candidates for election to local government to attend an information session covering the roles and responsibilities of councillors and mayors (9.1)</li> </ul>	Agree.
<ul style="list-style-type: none"> <li>Amend the legislated role of councillors and mayors as proposed in Boxes 19 and 21, and introduce mandatory professional development programs (9.2 and 9.3)</li> </ul>	Agree - but restricted to core activities such as IP & R, Code of Conduct and Meeting procedure
<ul style="list-style-type: none"> <li>Provide for full-time mayors, and in some cases deputy mayors, in larger councils and major regional centres (9.3)</li> </ul>	Agree
<ul style="list-style-type: none"> <li>Amend the provisions for election of mayors as proposed in Box 22 (9.3)</li> </ul>	Agree
27 Increase remuneration for councillors and mayors who successfully complete recognised professional development programs (9.2-9.4)	Agree. It is unreasonable that a city councillor is paid substantially more than regional councillors. The workload is in no way greater in the city than it is in a regional rural council. As a matter of fact, it could be argued that the workload in rural areas is greater because of distance and travel. It is unreasonable that councillors in regional areas managing an area the size of

RECOMMENDATIONS	COUNCIL'S RESPONSE
	<p>Mid-Western Regional Council and its population is paid less than \$10,000, when its city counterparts are paid considerably more. Although being a councillor is a community service, there also needs to be compensation for the impost on their private lives. The current remuneration paid to councillors prohibits many in the community from being able to participate because it has such a financial strain upon their private affairs. The current payments are unreasonable and restrictive for full participation by community members and local democracy.</p>
<p>28 Amend the legislated role and standard contract provisions of General Managers as proposed in Boxes 23 and 24 (9.5)</p>	<p>Agree.</p>
<p>29 Amend the provisions for organisation reviews as proposed in section 9.6</p>	<p>Agree</p>
<p>30 Develop a Good Governance Guide as a basis for 'performance improvement orders' and to provide additional guidance on building effective working relationships between the governing body, councillors, mayors and General Managers (9.7)</p>	<p>Agree</p>
<p><b>Advance Structural Reform</b></p>	
<p>31 Introduce additional options for local government structures, including regional Joint Organisations, 'Rural Councils' and Community Boards, to facilitate a better response to the needs and circumstances of different regions (10.1)</p>	<p>This Council opposes the introduction of Community Boards. Community Boards are another layer of Local Government which adds further additional cost that communities cannot afford. To use the Community Board structure as experienced in New Zealand is expensive, cumbersome and delays effective decision making. It is recognised that Councils need to improve effective consultation with their communities and a lot of this is happening via the I P &amp; R process.</p>
<p>32 Legislate a revised process for considering potential amalgamations and boundary changes through a re-constituted and more independent Boundaries Commission (10.3)</p>	<p>This Council was amalgamated in 2004 and the positive outcomes and results are very evident. This Council is of the opinion that an ultimate size of a council needs to be addressed so that outcomes are not based on simplistic criteria. For example this Council believes that the creation of the Mid Western in 2004 achieved a good outcome. The Council is 9,000 square kilometres with 24,000 population and is now financially sustainable. This Council is now able to meet the demands of a community by addressing environmental, cultural and social needs. It is the right size.</p> <p>However this Council's opinion is that further amalgamations in NSW's Local Government need to occur. Our communities are demanding more effective, efficient and modern governance, which a number of small councils cannot achieve because of lack of resources. In box 27 of the panel's report, a set of criteria for</p>

RECOMMENDATIONS	COUNCIL'S RESPONSE
	<p>determining Local Government boundaries has been highlighted. In consultation with Local Government we need to expand upon those criteria and establish minimum criteria. Councils need to meet that minimum criteria to retain their separate entities. If Local Government industry throughout NSW retains weak units of Local Government that don't meet the minimum criteria, then we are all opening ourselves up for criticism. This is an opportunity to become a strong industry that earns the respect and credibility of our communities.</p>
<p>33 Encourage voluntary mergers of councils through measures to lower barriers and provide professional and financial support (10.4)</p>	<p>Voluntary mergers of council will not improve the effectiveness and efficiency of Local Government that this reform is trying to achieve. Councils need to meet a certain minimum criteria as discussed in recommendation 32, otherwise they are not serving their community in a manner considered appropriate. The problem with voluntary mergers is that there are too many individuals protecting self interests as opposed to objectively creating a better and more modern Local Government for the communities they serve.</p>
<p>34 Provide and promote a range of options to maintain local identity and representation in local government areas with large populations and/or diverse localities (10.5)</p>	<p>It is inappropriate to suggest that an area will lose its local identity if they lose their local council situated within their township or regional area. Local communities are larger and more robust than just the Councils Local communities focus on many aspects of social and community life. Local Government needs to focus on the delivery of effective and quality services at an affordable cost rather than where the local Council headquarters are. Because a merger of two local communities form one council, this will never mean that one of those towns will disappear from existence, but it does mean that those towns maybe better served with better resources.</p>
<p><b>Regional Joint Organisations</b></p>	
<p>35 Establish new Joint Organisations for each of the regions shown on Maps 2 by means of individual proclamations negotiated under new provisions of the Local Government Act that replace those for County Councils(11.5)</p>	<p>This Council supports the concept of regional joint organisations (whatever their final name) to deliver high level strategic direction, political advocacy and joint service deliveries as considered appropriate by the joint organisation. But this will only succeed if some of the current decision making is relinquished by State Government. An example of this would be the compilation of Land Use Strategies and Local Environment Plans. The joint organisation should have the delegated authority to approve all of these with the State Planning Department having submission power only.</p> <p>This Council opposes Mid-Western Region being included in the Central West joint</p>

RECOMMENDATIONS	COUNCIL'S RESPONSE
<ul style="list-style-type: none"> <li>• Defer establishment of JOs in the Sydney metropolitan region, except for sub-regional strategic planning, pending further consideration of options for council mergers (11.5)</li> <li>• Enter into discussions with 2-3 regions to establish 'pilot' JOs (11.5)</li> <li>• Re-constitute existing County Councils as subsidiaries of new regional Joint Organisations, as indicated in Table 5 (11.2)</li> <li>• Establish Regional Water Alliances in each JO along the lines proposed in the 2009 Armstrong-Gellatly report (11.3)</li> </ul>	<p>organisation and requests that this Council belong to the Hunter joint organisation. This Council is currently a member of the Hunter Organisation of Councils (HROC). The Council joined HROC because it has a number of commonalities with the other member councils in that ROC such as, mining, agriculture and wine growing. It is important that this Council is put into the Hunter joint organisation and moved away from the Central West.</p> <p>It is also important that Joint Organisations determine the functions in which they are involve rather than that being determined by legislation. This is particularly relevant for service delivery function such as Library Services.</p>
<ul style="list-style-type: none"> <li>• Set the core functions of Joint Organisations by means of Ministerial Guidelines (11.6)</li> <li>• Seek federal government agreement to make JOs eligible for general-purpose FAGs (11.6)</li> </ul>	<p>No comment as it does not affect this Council</p> <p>Agree</p> <p>This Council is of the opinion that inefficient and ineffective county council should be abolished and become part of JO's. There are a number of these in the state and unless County Council are financially sustainable then they need to become part of the JO</p> <p>Strongly disagree. This may be appropriate for areas where there are common boundaries between existing water authorities, but in regional and rural NSW a number of our towns are separated by significant physical distance and to have a regional water alliance would only create additional cost burdens upon the community. The 2009 report stated that there would be strategic benefits in high level managerial direction by having water alliances, but this should be overcome by the minimum criteria determined for Local Government amalgamation.</p> <p>Agree.</p> <p>Agree</p>
<p>36 Identify one or more regional centres within each Joint Organisation and:</p> <ul style="list-style-type: none"> <li>• Create a network of those centres to drive development across regional NSW (11.7)</li> <li>• Consider potential mergers of councils to consolidate regional centres, as indicated in Table 6 (11.7)</li> </ul>	<p>Agree</p>

RECOMMENDATIONS	COUNCIL'S RESPONSE
<p>37 Develop close working partnerships between Joint Organisations and State agencies for strategic planning, infrastructure development and regional service delivery (11.8), and</p> <ul style="list-style-type: none"> <li>• Add representatives of Joint Organisations to State agency Regional Leadership Groups (11.8)</li> <li>• Give particular attention to cross-border issues and relationships in the operations of Joint Organisations and in future regional strategies (11.9)</li> </ul>	Agree
<b>'Rural Councils' and Community Boards</b>	
<p>38 Establish a working party as part of the Ministerial Advisory Group proposed in section 18 to further develop the concept of 'Rural Councils' for inclusion in the re-written Local Government Act (12.1)</p>	Agree
<p>39 Include provisions for <i>optional</i> Community Boards in the re-written Act, based on the New Zealand model, but also enabling the setting of a supplementary 'community rate' with the approval of the 'parent' council (12.2)</p>	<p>This Council remains opposed to the introduction of Community Boards because of the reasons set out in the comments to recommendation 31. However if Community Boards are to be introduced they must remain optional and that the parent Council has the ability to say no to the establishment of Community Boards. This Council is concerned that Community Boards are simply another layer of governance which adds cost to the parent Council. A number of the New Zealand community boards often act as a ratepayer interest group rather than meaningfully contributing to the betterment of the Council and the community they serve</p>
<b>Metropolitan Sydney</b>	
<p>40 Strengthen arrangements within State government for coordinated metropolitan planning and governance, and to ensure more effective collaboration with local government (13.1)</p>	<p>This section (recommendations 40 to 46) does not affect this Council. However Council makes the comment that a more efficient local government in Sydney with forced amalgamations there could be additional Federal Money for Regional NSW Councils</p>
<p>41 Seek evidence-based responses from metropolitan councils to the Panel's proposals for mergers and major boundary changes, and refer both the proposals and responses to the proposed Ministerial Advisory Group (section 18.1) for review, with the possibility of subsequent referrals to the Boundaries Commission (13.3)</p>	No Comment
<p>42 Prioritise assessments of potential changes to the No Comment boundaries of the Cities of Sydney and Parramatta, and</p> <ul style="list-style-type: none"> <li>• Retain a separate City of Sydney Act to recognise its Capital City role</li> <li>• Establish State-local City Partnership Committees for Sydney and Parramatta along the lines of Adelaide's Capital City Committee (13.4)</li> </ul>	No Comment
<p>43 Pending any future action on mergers, establish</p>	No Comment

RECOMMENDATIONS	COUNCIL'S RESPONSE
Joint organisations of councils for the purposes of strategic sub-regional planning (13.5)	
44 Maximise utilisation of the available local government revenue base in order to free-up State resources for support to councils in less advantaged areas (13.6)	No Comment
45 Continue to monitor the sustainability and appropriateness in their current form of the Hawkesbury, Blue Mountains and Wollondilly local government areas (13.7)	No Comment
46 Promote the establishment of a Metropolitan Council of Mayors (13.8)	No Comment
<b>Hunter, Central Coast and Illawarra</b>	
47 Seek evidence-based responses from Hunter and Central Coast councils to the Panel's proposals for mergers and boundary changes, and refer both the proposals and responses to the proposed Ministerial Advisory Group (section 18.1) for review, with the possibility of subsequent referrals to the Boundaries Commission (14.1 and 14.2)	As this section (recommendation s 47 to 49) does not affect this Council is offers no comment
48 Defer negotiations for the establishment of a Central Coast Joint Organisation pending investigation of a possible merger of Gosford and Wyong councils (14.2)	No Comment
49 Pursue the establishment of Joint Organisations for the Hunter and Illawarra in accordance with Recommendation 35 (14.1 and 14.3)	No Comment
<b>Non-Metropolitan Regions</b>	
50 Explore options for non-metropolitan councils in Group A as part of establishing the Western Region Authority proposed in section 16 (15.1)	As this recommendation not affect this Council is offers no comment
51 Refer councils in Groups B-F to the Boundaries Commission in accordance with Table 11 and the proposed timeline (15.1)	Please refer to recommendation 32 above where the State Government needs to address a minimum criteria for the existence of a Council. If that minimum criteria is not met then the future of the Council needs to be examined by an independent panel.
52 Complete updated sustainability assessments and revised long term asset and financial plans for the 38 councils identified in Table 11 by no later than mid-2015 (15.2)	Agree
<b>Far West region</b>	
53 Agree in principle to the establishment of a Far West Regional Authority with the functions proposed in Box 39 and membership as proposed in Figure 9 (16.3)	As this section (recommendation s 53 to 55) does not affect this Council is offers no comment
54 Adopt the preferred new arrangements for local	No Comment

RECOMMENDATIONS	COUNCIL'S RESPONSE
government set out in Box 40 as a basis for further consultation (16.4)	
55 Establish a project team and reference group of key stakeholders within the DPC Regional Coordination Program to finalise proposals (16.5)	No Comment
<b>State-Local Government Relations</b>	
56 Use the State-Local Agreement as the basis and framework for a range of actions to build a lasting partnership, and negotiate supplementary agreements as appropriate (17.2)	Agree
57 Introduce new arrangements for collaborative, whole-of-government strategic planning at a regional level (17.3)	Agree, but ensure that the State Government resources the collaborative needs that ensures the strategic approach is effective. This would be critical to the future sustainability of the process
58 Amend the State Constitution to strengthen recognition of elected local government (17.4)	Agree
59 Seek advice from LGNSW on the measures it proposes to take to meet its obligations under the State-Local Agreement (17.5)	Agree
60 Strengthen the focus of DLG on sector development and seek to reduce its workload in regulation and compliance (17.6)	Agree
<b>Driving and Monitoring Reform</b>	
61 Establish a Ministerial Advisory Group and Project Management Office (18.1 and 18.2)	Agree
62 Refer outstanding elements of the Destination 2036 Action Plan to the Ministerial Advisory Group (18.1)	Agree
63 Adopt in principle the proposed priority initial implementation package set out in Box 42, as a basis for discussions with LGNSW under the State-Local Government Agreement (18.3)	Agree
64 Further develop the proposals for legislative changes detailed in Boxes 43 and 44, and seek to introduce the amendments listed in Box 43 in early 2014 (18.5)	Agree
65 Adopt in principle the proposed implementation timeline (18.6)	Agree

## Financial and Operational Plan implications

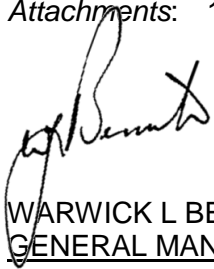
Not applicable.

## Community Plan implications

The response to the Panel report will set the direction of the Local Government direction for many years to come.



*Attachments:* 1. The NSW Independent Local Government Review Panel Report was sent to Councillors recently. If you require an additional copy please contact the writer.



WARWICK L BENNETT  
GENERAL MANAGER

21 March 2014

## 6.2.11 National General Assembly of Local Government

REPORT BY THE GENERAL MANAGER TO 2 APRIL 2014 COUNCIL MEETING

National General Assembly of Local Government

GOV400038, A0110043

### RECOMMENDATION

#### That:

1. **the report by the General Manager on the National General Assembly of Local Government be received;**
2. **Council approve the Mayor Des Kennedy or if he is unavailable the Deputy Mayor and the General Manager to attend the National General Assembly of Local Government to be held in Canberra from 15 to 18 June 2014.**

### Detailed report

Please find attached a self-explanatory letter from the Australian Local Government Association inviting representatives of this Council to attend the National General Assembly of Local Government in Canberra from 15 to 18 June 2014. Also attached is the program for the Assembly. This Council has in the past sent the Mayor and General Manager to this assembly, and they report back directly to the Council. The recommendation in this report is that the Mayor or in his absence the Deputy Mayor and General Manager attend this National General Assembly.

### Financial and Operational Plan implications

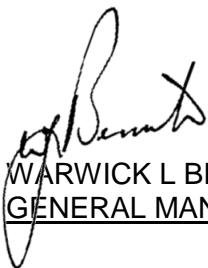
The cost of sending two delegates to this conference would be \$900 per delegate registration fee, and a further \$500 for accommodation and meals per person, bringing the total to \$3,000 which would be debited to Council's conference expenses.

### Community Plan implications

Nil.

4 March 2014

*Attachments:* 1. Letter and Provisional Program from President of Australian Local Government Association, dated 28 February 2014



WARWICK L BENNETT  
GENERAL MANAGER



AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

28 February 2014

WLB

Mid-Western Regional Council  
PO Box 156  
MUDGEES NSW 2850



To the Mayor, Councillors and CEO

I am writing to invite you to attend this year's National General Assembly of Local Government (NGA) in Canberra from 15 - 18 June.

I have invited the Prime Minister, the Deputy Prime Minister and the Leader of the Opposition. We will also be joined by other ministers and shadow ministers and leading public figures presenting keynote addresses which will help to focus discussions at the NGA.

The theme for this year's NGA is '*Getting Down to Business*'. There is no more relevant an issue for government across Australia at the moment. The Federal Government is working through the outcomes on its Commission of Audit and is preparing for White Papers on the Federation and our taxation system. Each of these processes will help to shape Government in Australia in the coming years and local government needs to be in a strong position to respond to whatever changes may emerge.

This year also marks the 20th NGA. This is a time for local government to celebrate our achievements over those 20 years and provides an opportunity to focus on the future and apply lessons learned from the past.

Enclosed is the NGA Registration Brochure which contains full details of the program, business agenda and associated events.

Your council's involvement in the NGA is vital to assist ALGA to maintain the renewed focus on local government and to drive improved outcomes for local government at the national level. A number of important policy motions will be debated at the NGA and it is essential that every council is represented in these debates and is able to have its say.

I look forward to seeing you in Canberra.

Mayor Felicity-ann Lewis  
President

2014 NATIONAL GENERAL ASSEMBLY

# Provisional Program

## SUNDAY 15 JUNE

5:00-7:00 pm	Welcome Reception
--------------	-------------------

## MONDAY 16 JUNE

9:00 am	Opening Ceremony
9:20 am	President's Welcome
9:30 am	Prime Minister, <b>The Hon Tony Abbott</b> (invited)
10:00 am	KEYNOTE <b>Ken Henry AC</b> (invited)
10:30 am	<b>MORNING TEA</b>
11:00 am	PANEL SESSION Local Government in the Federation
12:30 pm	<b>LUNCH</b>
1:30 pm	CONCURRENT SESSIONS 'Building a Sustainable Future' <ul style="list-style-type: none"> <li>• Finance and Infrastructure</li> <li>• The Environment</li> <li>• Human Services</li> </ul>
3:00 pm	<b>AFTERNOON TEA</b>
3:30 pm	Collaboration on Climate Action
4:00 pm	Debate on motions
5:00 pm	Close Day 1
7:00 pm	Dinner

## TUESDAY 17 JUNE

9:00 am	KEYNOTE <b>Helen Silver</b> , Chief General Manager, Worker's Compensation, Allianz; Former Secretary, Department of Premier and Cabinet, Victoria
9:30 am	Debate on motions
10:30 am	<b>MORNING TEA</b>
11:00 am	Shadow Minister for Regional Development and Local Government, <b>The Hon Julie Collins</b> (Invited)
11:30 pm	Debate on motions
12:30 pm	<b>LUNCH</b>
1:30 pm	PANEL SESSION Councils Getting Down to Business
3:00 pm	<b>AFTERNOON TEA</b>
3:30 pm	Debate on Motions
4:30 pm	Leader of the Opposition, <b>The Hon Bill Shorten</b> (invited)
5:00 pm	Close Day 2
7:00 pm	OFFICIAL DINNER Parliament House

## WEDNESDAY 18 JUNE

9:00 am	Deputy Prime Minister and Minister for Infrastructure and Regional Development, <b>The Hon Warren Truss</b>
9:30 am	Debate on Motions
10:30 am	<b>MORNING TEA</b>
11:00 am	Minister for Immigration and Border Protection, <b>The Hon Scott Morrison</b>
11:30 am	<b>Dr Brendan Nelson</b> , Director, The Australian War Memorial
12:00 noon	KEYNOTE TBC
12:20 pm	President's Closing remarks
12:30 pm	Close

## 6.2.12 Review of the Local Government Acts Taskforce

REPORT BY THE MANAGER GOVERNANCE TO 2 APRIL 2014 COUNCIL MEETING

LGAct Review

GOV400038, A0170031

### RECOMMENDATION

**That:**

- 1. the report by the Manager Governance on the Review of the Local Government Acts Taskforce be received;**
- 2. the comments in this report form the basis for any submission that Council makes on the Report of the Review of the Local Government Acts Taskforce.**

### Executive summary

The purpose of this report is to consider the report of the Local Government Acts Taskforce into the review of the Local Government Act.

### Detailed report

A copy of the report to the Minister for Local Government by the Taskforce is attached.

The Minister has extended the invitation to comment on the report to the 7 April 2014. Council will recall that this matter was discussed at its meeting on 5th March with additional comments being requested to be added to the submission. Those comments are highlighted in yellow below.

Councillors will note from the report that the Taskforce has made a series of recommendations. It is considered that the best way to review the report is to address the recommendations individually. The table below provides Council's response to each recommendation.

The Taskforce recommendations are in the main logical and straight forward. Thus the recommended Council response in the main is to agree with the recommendations of the Taskforce.

<b>Topic</b>	<b>Recommendations</b>	<b>Council's Response</b>
<b>3.0.0 Approach and Principles for the Development of the New Act</b>	<b>The Taskforce recommends</b> (1) integrated planning and reporting form the central framework for the new Act providing local government with a robust strategic planning mechanism that is based on community engagement, expectations and aspirations, and financial responsibilities (2) a flexible, principles-based legislative framework, avoiding excessive prescription and unnecessary red tape, written in plain language and presented in a logical format. The new Act should be confined to setting out the principles of how councils are established and	Agreed and strongly support. The Integrated Planning and Reporting (IP & R) process has been a positive addition to local governance and needs to be retained.  Agree

Topic	Recommendations	Council's Response
	<p>operate. When further detail or explanation is required as to how these principles are to be achieved, regulations, codes and guidelines should be used</p> <p>(3) a more consistent approach be adopted to the definition, naming and use of regulatory and other instruments, noting that currently there is inconsistent use of mandatory and discretionary codes, guidelines, practice notes, discretionary guidelines and the like.</p>	Agree
<p><b>3.1.0 Structure of the New Local Government Act</b></p>	<p><b>The Taskforce recommends</b> that the new Act is structured with the following elements:</p> <p><b>Part I - Structural Framework of Local Government in NSW</b></p> <ul style="list-style-type: none"> <li>• Purpose of Local Government Act – 3.1.1</li> <li>• Role of Local Government – 3.1.2</li> <li>• Guiding Principles – 3.1.2</li> <li>• Legal status of councils (includes establishment) – 3.1.3</li> <li>• Roles and Responsibilities of Council Officials – 3.1.4</li> </ul> <p><b>Part II - Strategic Framework for Local Government in NSW</b></p> <ul style="list-style-type: none"> <li>• Integrated Planning and Reporting – 3.2.1</li> <li>• Community Engagement – 3.2.2</li> <li>• Performance of Local Government – 3.2.3</li> </ul> <p><b>Part III - Council Operations</b></p> <ul style="list-style-type: none"> <li>• Governance Framework – 3.3.1 – 3.3.8</li> <li>• Financial practices – 3.3.9 – 3.3.11</li> <li>• Public Private Partnerships – 3.3.12</li> <li>• Public Land – 3.3.13 – 3.3.14</li> <li>• Regulatory Functions – 3.3.15 – 3.3.16</li> <li>• Other functions</li> </ul> <p><b>Part IV - Tribunals and Commissions - 3.3.17</b></p>	Agreed
<p><b>3.1.1 Purposes of the Local Government Act</b></p>	<p><b>The Taskforce recommends</b> that the Purposes of the Local Government Act be drafted as follows:</p> <p>The purpose of this Act is to provide</p> <p>(1) a legal framework for the NSW system of local government in accordance with section 51 of the <i>Constitution Act 1902 (NSW)</i></p> <p>(2) the nature and extent of the responsibilities and powers of local government</p> <p>(3) a system of local government that is democratically elected, interactive with and accountable to the community, and</p>	<p>Agree</p> <p>Agree</p> <p>Agree</p>

Topic	Recommendations	Council's Response
	is sustainable, flexible, effective and maximises value.	
<b>3.1.2 Role and Guiding Principles of Local Government</b>	<b>The Taskforce recommends</b> the inclusion of a new Role of local government and a set of Guiding Principles for local government as follows:	
	<b>Role of Local Government</b>	Agree
	The Role of local government is to provide local democracy, strategic civic leadership, stewardship and sound governance to achieve sustainable social, economic, environmental, health and wellbeing and civic engagement through:	
	(1) utilising integrated planning and reporting	Agree
	(2) working in cooperative arrangements with the community, other councils, State and Commonwealth Governments to achieve and report outcomes based on community priority as established through integrated planning and reporting	Agree
	(3) providing or procuring effective, efficient and financially affordable economic assets, services and regulation	Agree
	(4) exercising democratic local leadership and inclusive decision-making	Agree
	(5) having regard to the long term and cumulative effects of its decisions	Agree
	(6) valuing local difference and system diversity	Agree
	(7) committing to the application of the Guiding Principles of local government	Agree
<b>3.1.2 Role and Guiding Principles of Local Government cont'd</b>	<b>Guiding Principles of Local Government</b> Guiding Principles to be observed by local government are to:	
	(1) provide elected community-based representative and participatory local democracy, and open and accountable government	Agree
	(2) foster and balance the needs, interests, social and economic wellbeing of individuals, diverse groups and community	Supported - but being mindful of the challenge of dealing with the individual aspects or interest groups who have a single focus.
	(3) adhere to the social justice principles of equity, rights, access and participation	Agree
	(4) encourage stewardship and facilitate sustainable, responsible management of resources, infrastructure and development	Agree
	(5) consider future generations by	Agree

Topic	Recommendations	Council's Response
	protecting, restoring and enhancing the quality of the environment to maintain ecologically sustainable development, reduce risks to human health and prevent environmental degradation	
	(6) ensure sustainable management and that all decisions incorporate considerations of risk management and long-term sustainability	Agree
	(7) recognise the responsibility of other levels of government in the provision of local services while accepting that local choices should be made at the local level wherever possible under the principle of subsidiarity	Agree
	(8) achieve and maintain accepted best practice public governance and administration, and act fairly, responsibly, ethically, transparently and in the public interest	Agree
	(9) optimise technology, and foster innovation and continuous improvement.	Agree
<b>3.1.3 Constitution of Councils</b>	<b>The Taskforce recommends</b> that the legal status of councils remains as a "body politic".	Agree
<b>3.1.4 Roles and Responsibilities of Council Officials</b>	<b>The Taskforce recommends</b> following consideration of the final report of the Independent Panel, the roles and responsibilities of mayors, councillors and general managers are reviewed to ensure they align with the requirements of the strengthened IPR framework (see section 3.2.1 below) and any recommendations of the Independent Panel that may be adopted by the State Government.	Agreed and strongly supported to ensure the two reports align
<b>3.2.1 Integrated Planning and Reporting (IPR)</b>	<b>The Taskforce recommends</b>	
	(1) elevating IPR to form the central framework of the new Act and the primary strategic tool that enables councils to fulfil their civic leadership role and deliver infrastructure, services and regulation based on community priorities identified by working in partnership with the community, other councils and the State Government	Agree
	(2) strengthening and embedding the principles of IPR in the Act more	Agree



Topic	Recommendations	Council's Response
	broadly, setting minimum standards in the Act and defining process through regulation, codes and/or guidelines	
	(3) removing duplication from other parts of the Act, where the principle or practice is already captured in the IPR legislation or guidelines	Agree
	(4) ensuring the legislation facilitates a strategic leadership role for councils in their local communities	Agree
	(5) moving sections of the Act to other legislation, in order to create an Act that better reflects the strategic role of councils and the framework that ensures and enables that role. The Taskforce proposes the outline displayed in Table 6 as the chapter structure of the new Act	Agree
	(6) simplifying the provisions of IPR to increase flexibility for councils to deliver IPR in a locally appropriate manner.	Agree
<b>3.2.2 Community Engagement</b>	<b>The Taskforce recommends</b>	
	(1) councils prepare the most locally appropriate and flexible community engagement strategy guidelines. This will provide communities the opportunity to engage, through the following and other locally appropriate principles, and allow a flexible framework for continuing community engagement. The principles for such strategy will:	Agree
	a) include commitment to the community being at the centre of local government using ongoing engagement which ensures fairness in the distribution of resources; rights are recognised and promoted; people have fairer access to the economic resources and services essential to meet their basic needs and to improve their quality of life; and people have better opportunities to become informed and involved especially through use of technology	Agree
	b) consider and understand that persons who may be affected by, or have an interest in, a decision or matter should be provided with access to relevant information concerning the purpose of the engagement and the scope of the decision(s) to be taken	Agree
	c) consider and understand that	Agree but balancing with the wider

Topic	Recommendations	Council's Response
	interested persons should have adequate time and reasonable opportunity to present their views to the council in an appropriate manner and format	community interest
	d) ensure that the views presented to the council will be given due consideration	Agree
	e) consider and understand that councils, in exercising their discretion as to how engagement will proceed in any particular circumstance, will have regard to the reasonable expectations of the community, the nature and significance of the decision or matter, the costs and benefits of the consultation process, and to intergenerational equity	Agree
	f) arrange flexible special engagement procedures in particular instances	Agree
	g) consider all groups, even though it may be difficult to reach every diverse community group, and some groups will choose not to engage.	
<b>3.2.3 Performance of Local Government</b>	<p><b>The Taskforce recommends</b> that a performance system is developed that is linked to IPR and includes the following elements:</p> <p>(1) a standard series of measures that can compare the performance of councils across the State</p> <p>(2) an analysis of the performance measures results so that councils can identify the actions required to elevate performance</p> <p>(3) a self-assessment of the performance of the governing body on an annual basis</p> <p>(4) in lieu of an end of term report, councils provide a mid-term report as to progress with the Community Strategic Plan.</p>	<p>Agree</p> <p>Agree</p> <p>Agree</p> <p>Agree</p>
<b>3.2.4 Technology</b>	<p><b>The Taskforce recommends</b></p> <p>(1) as a general principle the Act should enable optimal, flexible and innovative use of technology by councils to promote efficiency and enhance accessibility and engagement for the benefit of constituents</p> <p>(2) the Act should allow each council to determine the most appropriate use of technology taking into account the Guiding Principles of local government and community engagement through the IPR framework.</p>	<p>Agree</p> <p>Agree</p>

Topic	Recommendations	Council's Response
3.3.1 Elections	<p data-bbox="411 241 767 268"><b>The Taskforce recommends</b></p> <p data-bbox="411 273 922 483">(1) councils to have the option of using universal postal voting or alternative means of voting such as technology assisted voting where feasible as a means of increasing efficiency and voter participation and reducing council costs</p> <p data-bbox="411 519 922 636">(2) the Act be drafted so as to enable the adoption of new technologies such as technology assisted voting when feasible to do so</p> <p data-bbox="411 672 922 882">(3) include mechanisms for removing the need for by-elections, when a vacancy occurs either in the first year following an ordinary council election or up to 18 months prior to an ordinary election as a means of avoiding the holding of costly by-elections</p> <p data-bbox="411 918 922 1128">(4) a counting system should be adopted as an appropriate mechanism for filling vacancies that occur within the first year following an ordinary election whereby the unelected candidate who had the next highest number of votes be appointed to fill the vacant position</p> <p data-bbox="411 1164 922 1317">(5) councils to be required to fill vacancies occurring after the first year following an ordinary election and up to 18 months prior to the next ordinary election by the postal voting method</p> <p data-bbox="411 1352 922 1496">(6) where universal postal voting is used for any election, a candidate information booklet is to be included in ballot packs as a way of increasing voter knowledge of the candidates</p> <p data-bbox="411 1532 922 1711">(7) the transfer of local government elections law to a single new Elections Act to consolidate all State and local government election provisions along with the regulation of campaign finance and expenditure</p> <p data-bbox="411 1747 922 1832">(8) the term of mayors elected by the councillors to be extended from 1 year to 2 years.</p>	<p data-bbox="962 273 1449 389">Agreed in relation to Parts (1) to (7) as it is considered that the adoption of these approaches will only serve to enhance the electoral process.</p> <p data-bbox="962 1532 1034 1559">Agree</p> <p data-bbox="962 1747 1034 1774">Agree</p>

Topic	Recommendations	Council's Response
3.3.2 Meetings	<p><b>The Taskforce recommends</b> that the provisions relating to council meetings be:</p>	
	(1) consolidated into a generic mandatory Code of Meeting Practice that may if necessary be supplemented to meet local requirements, provided the amendments are not inconsistent with the provisions of the Act and standard Code of Meeting Practice	Agree
	(2) modernised and unnecessary prescription and red tape removed	Agree
	(3) designed to facilitate councils utilising current and emerging technologies in the conduct of meetings and facilitating public access	Agree
	(4) flexible to enable remote attendance through technology at council meetings in emergencies such as natural disasters.	Agree
3.3.3 Appointment and Management of Staff	<p><b>The Taskforce recommends</b></p>	
	<p>(1) the strategic responsibilities of the council be clearly separated from operational responsibilities and be aligned with IPR by:</p> <ul style="list-style-type: none"> <li>• the council being responsible: <ul style="list-style-type: none"> <li>○ for determining those services and priorities required by the community, and for providing the necessary resources to achieve the council's Delivery Program; and</li> <li>○ on the advice of the general manager, the council determine the organisation structure to the level that directly reports to the general manager</li> </ul> </li> <li>• the general manager being responsible: <ul style="list-style-type: none"> <li>○ for determining the balance of the organisation structure; and</li> <li>○ for recruiting all staff with appropriate qualifications to fulfil each role within the structure. The general manager will consult with council regarding the appointment and dismissal of senior staff</li> </ul> </li> </ul>	Agree
	(2) positions meeting the criteria as senior staff be appointed under the prescribed standard contract for senior staff, identified as senior staff positions within the organisation structure, and remuneration be reported in the council's annual report	The reporting required should be the aggregate remuneration of the General Manager and the senior staff and not the individual allocation of each staff member.
	(3) each council to determine arrangements for regulatory responsibilities other than under the Act	Agree
	(4) the current prescription in the Act relating to the advertising of staff	Agree

Topic	Recommendations	Council's Response
	<p>positions and staff appointments be transferred to regulation or to the relevant industrial award</p> <p>(5) that the maximum term allowable for temporary staff appointments be extended from 1 year to 2 years</p>	<p>Agree</p>
<p><b>3.3.4</b> <b>Regional Strategic Organisations of Councils and Formation and Involvement in Corporations and Other Entities</b></p>	<p><b>The Taskforce recommends</b></p> <p>(1) the Act include a mechanism enabling councils to form statutory entities to undertake regional strategic collaboration activities. The Taskforce is of the view that, in place of Regional Organisations of Councils, a model similar to that developed by the Hunter Councils – Council of Mayors provides a suitable mechanism for achieving regional strategic collaboration, with the exception of Western NSW. ROCs could transition to a Council of Mayors to broaden joint collaboration between councils</p> <p>(2) the provisions of the Act relating to the formation of corporations and other entities should continue.</p>	<p>Agree</p> <p>Agree</p>
<p><b>3.3.5</b> <b>Protection from Liability</b></p>	<p>The Taskforce does not propose changes to the liability provisions of the Act.</p>	<p>Noted and Agree</p>
<p><b>3.3.6</b> <b>Code of Conduct</b></p>	<p>The Taskforce does not propose changes to the conduct provisions of the Act.</p>	<p>Noted and Agree</p>
<p><b>3.3.7</b> <b>Pecuniary Interest</b></p>	<p><b>The Taskforce recommends</b></p> <p>(1) the pecuniary interest provisions be reviewed to ensure they are written in plain language, easily understood and with unnecessary red tape removed</p> <p>(2) consideration be given to utilising technology to assist with the submission and maintenance of pecuniary interest disclosures and to facilitate appropriate access to this information, while ensuring that privacy rights are protected.</p>	<p>Agree</p> <p>Agree</p>

Topic	Recommendations	Council's Response
3.3.8 Delegations	<p><b>The Taskforce recommends</b></p> <p>(1) that the provisions of the Act relating to delegations be reviewed to ensure that they are streamlined, written in plain language and are reflective of the roles and responsibilities of the council and the general manager to facilitate the efficient, effective and accountable operation of local government.</p> <p>(2) that the exceptions to delegations of an operational nature not be carried forward to the new Act, ensuring the council focuses on strategic decisions, consistent with IPR. These would include for example:</p> <ul style="list-style-type: none"> <li>• acceptance of tenders</li> <li>• provision of minor financial assistance to community groups</li> <li>• delegation of regulatory functions to another council or shared services body.</li> </ul>	<p>Agree</p> <p>Agree</p>
3.3.9 Financial Governance	<p><b>The Taskforce recommends</b></p> <p>(1) there be greater focus on principles and definition of financial systems and minimum standards in the new legislative framework and for assimilation of financial governance with the IPR requirements</p> <p>(2) there be a realignment of the regulatory focus under the legislative framework towards systems and risk management rather than process prescription</p> <p>(3) complementing the Guiding Principles of local government, the new Act should articulate a set of financial (or corporate) governance principles that align more effectively with the principles and objectives of IPR, especially in relation to stewardship of resources and accountability. For example:</p> <ul style="list-style-type: none"> <li>a) safeguarding integrity in financial reporting</li> <li>b) making timely and balanced disclosures</li> <li>c) recognising and managing risk</li> </ul> <p>(4) minimum expectations be prescribed by legislation or sub-regulatory instrument. A potential framework is:</p> <ul style="list-style-type: none"> <li>a) financial management governance and oversight</li> <li>b) financial management structure, systems, policies and procedures</li> <li>c) financial management reporting</li> </ul> <p>(5) financial statement requirements be</p>	<p>Agree</p> <p>Agree</p> <p>Agree</p> <p>Agree</p> <p>Agree</p>

Topic	Recommendations	Council's Response
	included under IPR annual reporting requirements	
	(6) a further review of rating and finance matters be undertaken as required after the Independent Panel recommendations are determined by the State Government.	<p data-bbox="963 331 1442 515">Noted. This Council made the following comments to the Independent Panel in regard to necessary changes to legislation affecting rates Such a review needs to cover a wider focus.</p> <p data-bbox="963 546 1442 1008">A number of Councils are having difficulty with the rating of mines. Recent court decision have meant that land owned by coal mines that is currently used for mining purposes cannot be necessarily rated mining pursuant to Section 517 of the Local Government Act. Mining companies purchase land for noise and dust attenuation purposes as well as for environmental offsets. These lands are taken away from agricultural purposes and the mine cannot operate without this land. It is therefore appropriate that this land be rated mining.</p> <p data-bbox="963 1039 1442 1312">Also mining companies, as part of their environmental offset programs are gifting land to the State Government and declaring it national park or conservation land. This automatically makes the land non-rateable, even though they are often mining under the land, or require the land for a buffer between their operations and neighbours.</p> <p data-bbox="963 1344 1442 1554">There needs to be a complete and detailed review of the legislation relating to this matter so that local communities are not subsidising mining companies through their rates, because they have the resources to be able to work their way around the system.</p> <p data-bbox="963 1585 1442 2074">Council is requesting Government to amend the legislation that allows Councils to rate temporary state significant developments beyond the rate cap. When a new development is imposed on a Council area such as a coal mine the cost of maintaining infrastructure increases. The property that the mine owns and/or operates will have a changes in rate categorisation and thus a higher rate in the dollar. Any additional income from that recategorisation should be additional rate income to Council and not form part of the rate cap. And when the temporary development ceases then Councils can</p>

Topic	Recommendations	Council's Response
3.3.10 Procurement	<p data-bbox="411 479 767 506"><b>The Taskforce recommends</b></p> <p data-bbox="411 510 917 629">(1) the adoption of central principles of procurement combined with a medium level of regulation to ensure support of the following principles:</p> <ul style="list-style-type: none"> <li data-bbox="459 633 671 660">a) accountability</li> <li data-bbox="459 665 699 692">b) value for money</li> <li data-bbox="459 696 887 757">c) probity, equity, fairness and risk management</li> <li data-bbox="459 761 906 788">d) efficient and effective competition</li> <li data-bbox="459 792 743 819">e) market assessment</li> </ul> <p data-bbox="411 846 917 965">(2) main considerations for each principle be contained in the Act or regulations, with further considerations contained in guidelines or a mandatory code</p> <p data-bbox="411 992 917 1052">(3) a council's procurement framework be consistent with its IPR framework</p> <p data-bbox="411 1079 917 1332">(4) rather than the legislation setting a monetary threshold, a more flexible principles-based approach be established to enable councils to determine their threshold based on risk assessment of the proposed procurement and the procurement principles</p> <p data-bbox="411 1359 917 1599">(5) regulation of procurement support councils entering into collaborative procurement arrangements and utilising technologies to assist with efficient, effective and economic procurement processes that are accessible to all relevant stakeholders and are fair, open and transparent</p> <p data-bbox="411 1626 917 1722">(6) a regulation or code to express councils' default procurement framework</p> <p data-bbox="411 1749 917 1845">(7) councils be qualified to adopt a more strategic approach through "earned autonomy" whereby:</p> <ul style="list-style-type: none"> <li data-bbox="459 1872 917 2063">a) the Division of Local Government may exempt a council from compliance with a requirement under the regulation or code where it is satisfied that a council's procurement framework is</li> </ul>	<p data-bbox="962 237 1437 358">still maintain the original rate income without a sharp cost burden to the other ratepayers when the development ceases to operated</p> <p data-bbox="962 510 1034 537">Agree</p> <p data-bbox="962 846 1034 873">Agree</p> <p data-bbox="962 992 1034 1019">Agree</p> <p data-bbox="962 1079 1034 1106">Agree</p> <p data-bbox="962 1359 1034 1386">Agree</p> <p data-bbox="962 1626 1034 1653">Agree</p> <p data-bbox="962 1749 1034 1776">Agree</p>



Topic	Recommendations	Council's Response
	<p>consistent with the procurement principles; and</p> <p>b) qualification for a council's earned autonomy may be through an accreditation process or by council's development and diligent maintenance of policies and practices that are consistent with requirements issued by the Division of Local Government or other oversight entity. Qualification by accreditation is preferred as this should increase the accountability of councils to the community.</p> <p>(8) councils continue to be able to take advantage of purchasing from Commonwealth and State Government procurement panels and the State Government policies which afford exemption from tendering obligations such as when purchasing from registered Australian Disability Enterprises.</p>	<p>Agree</p>
<b>3.3.11 Capital Expenditure Framework</b>	<b>The Taskforce recommends</b> a capital expenditure and monitoring guideline be developed that integrates with the IPR framework and enables the appropriate management of risk by councils. This guideline should be tailored to risk levels, including significance of the project, materiality and whole of life costs, and not based on arbitrary monetary thresholds or procurement vehicles.	Agree
<b>3.3.12 Public Private Partnerships (PPP)</b>	<b>The Taskforce recommends</b> (1) that PPP projects continue to be subject to regulation due to the significance of the risks involved  (2) aspects that could be streamlined or simplified be identified and mechanisms for ensuring PPPs be considered for inclusion in the IPR framework.	Agree  Agree
<b>3.3.13 Acquisition of Land</b>	<b>The Taskforce recommends</b> council plans for the compulsory acquisition of land be linked with the IPR processes, and in particular the expressed opinion of the community in the Community Strategic Plan on the need for additional public land or the sale of public land be included in Delivery Program provisions.	Support in principle. Provision also need to be made for unforeseen acquisition issues
<b>3.3.14 Public Land</b>	<b>The Taskforce recommends</b> (1) councils be required to strategically manage council-owned public land as assets through the IPR framework  (2) balancing reasonable protections for public land use and disposal by retaining the classification regime of public land as either community or	Agree  Agree

Topic	Recommendations	Council's Response
	operational land and require a council resolution at the time of acquiring or purchasing land to specify the classification, category and proposed use or uses	
	(3) a proposed change in the use or disposal of community land be addressed through the council's Asset Management Planning and Delivery Program	Agree
	(4) a public hearing be held by an independent person where it is proposed to change the existing dominant use or to dispose of community land, with the results of the public hearing to be reported to and considered by the council before a decision is made	Agree
	(5) any use of a public hearing or other consultation process under the Act be specified in the council's Community Engagement Strategy	Agree
	(6) recognising the LEP zoning processes and restrictions applying to council owned public land	The clause needs clarification.
	(7) simplifying and reducing the categories and sub-categories of use to which community land may be applied through the Asset Management Planning process so as to identify and accommodate other ancillary or compatible uses appropriate to the current and future needs of the community	Agree
	(8) ceasing the need for separate plans of management for community land to be prepared and maintained, and in lieu, utilise the Asset Management Planning and Delivery Program of the IPR process	Agree
	(9) ceasing the need for a separate report to be obtained from the Department of Planning and the need for ministerial approval where council proposes to grant a lease, licence or other estate over community land in excess of the current 5 years, where an objection has been received by the council	Agree
	(10) proposed leases and licences be addressed as part of the council's Asset Management Plan and adopted Community Engagement Strategy with the 30 year maximum term to remain	Agree

Topic	Recommendations	Council's Response
	unchanged.	
<b>3.3.15 Approvals, Orders and Enforcement</b>	<b>The Taskforce recommends</b>	
	(1) regulatory provisions be reviewed to ensure that the Act provides guidance on regulatory principles but contains flexibility and less prescription in regulation implementation, provision of statutory minimum standards or thresholds, and councils having discretionary "on-the-ground" functions	Agreed. At the same time, consideration should be given to enabling councils to make their own Local Laws in much the same way as councils in other States.
	(2) consideration be given to the notion of a risk based approval process where persons or corporations are given general approval to conduct certain work rather than dealing with applications on a piecemeal basis	Agree
	(3) within this framework, the prescriptive processes of approvals and orders be streamlined and, subject to risk assessment, be placed where possible into regulations	Agree
	(4) removal of as many approvals and orders as possible and placing in specialist legislation if they cannot be repealed	Agree
	(5) the principles for dealing with approvals and orders be incorporated into a council's IPR framework through the Delivery and Operational Plans, including adoption of an Enforcement Policy and any LAPs and LOPs	Agree
	(6) penalties for offences in the Act and regulations be increased to ensure they are proportionate to the nature of the offence, and that the ability to serve a penalty notice should be made an option for additional offences	Agree
	(7) councils be required to adopt an Enforcement Policy stating what factors will be considered in determining whether or not to take action, including the level of risk. The factors should be consistent across all councils	Agree
	(8) improving councils' ability to recover costs for conducting work on private land	Agree

Topic	Recommendations	Council's Response
	(9) aligning council powers of entry with contemporary legislative standards	Agree
	(10) increasing the time limit for commencing summary proceedings from 6 to 12 months.	Agree
<b>3.3.16 Water Management</b>	<b>The Taskforce supports</b> changes proposed to water recycling provisions which will consolidate and simplify the legislative framework. Otherwise the Taskforce makes no recommendations regarding the structures for the delivery of water and sewerage in non-urban areas, noting that the Taskforce gave the issue consideration but is aware this area is being dealt with by other reviews.	Noted. But this Council re-emphasises its objection to any part of the management and operations of water and sewer facilities being taken away from this Council.
<b>3.3.17 Tribunals and Commissions</b>	<b>The Taskforce notes</b> (1) it is expected the Local Government Pecuniary Interest and Disciplinary Tribunal will be consolidated into the newly constituted NSW Civil and Administrative Tribunal  (2) the Independent Panel is examining the issue of structures and boundaries, how boundary changes might be facilitated, and possible change of method of operation of the Local Government Boundaries Commission and accordingly makes no comment pending the outcome of this review  (3) consideration be given whether to merge the Local Government Remuneration Tribunal with the Statutory and Other Officers Remuneration Tribunal.	Noted.  Noted.  Noted.
<b>3.3.18 Other Matters</b>	<b>The Taskforce recommends</b> (1) consistent with Taskforce recommendation 1.3, that in place of sections 23A and 10B(5) that the Act empowers the Director General to issue mandatory codes on operational and governance matters relevant to local government  (2) a formal Oath of Office for councillors is introduced as a mechanism for inducting councillors into their role and reinforcing the serious nature of the role and the chief responsibilities and duties the role entails  (3) the provisions of the Act governing councils' expenses and facilities policy are reviewed to ensure they are	Agree  Agree  Agree

Topic	Recommendations	Council's Response
	streamlined and unnecessary red tape eliminated	
	(4) a review be undertaken of circumstances that do not invalidate council decisions and including consideration of the appropriateness of adding the following to those circumstances that do not invalidate council decisions – “a failure to comply with the consultation and engagement principles”	Agree but need to define "failure"
	(5) conferring authority on councils to allocate, maintain and enforce property numbering	Agree
	(6) councils be provided with an effective means to regulate camping in vehicles on road and road related areas	Agree
	(7) the following matters be reviewed depending on the outcomes of other reviews currently incomplete: <ul style="list-style-type: none"> <li data-bbox="459 976 916 1155">a) how councils are financed, particularly rating. The Taskforce consistently received feedback detailing issues with the provisions of the Act relating to how councils are financed</li> <li data-bbox="459 1167 916 1312">b) community engagement to ensure consistency with the planning community participation proposals under the new Planning Act if adopted</li> <li data-bbox="459 1323 932 1525">c) Tribunals and Commissions, particularly the role and functions of the Boundaries Commission to ensure that the Act supports recommendations of the Independent Panel adopted by the State Government</li> <li data-bbox="459 1536 932 1861">d) roles and responsibilities of council officials. It is essential that the Act clearly defines the roles and responsibilities of the mayor, councillors and the general manager. The Taskforce recommends that these definitions are reviewed to ensure they reflect recommendations of the Independent Panel adopted by the State Government.</li> </ul>	Noted

Topic	Recommendations	Council's Response
4.1 City of Sydney Act	<p data-bbox="411 237 767 264"><b>The Taskforce recommends</b></p> <p data-bbox="411 268 927 448">(1) a separate Act for the City of Sydney be retained (pending the report and recommendations of the Independent Panel) noting that the Sydney City Council is also subject to the provisions of the Local Government Act</p> <p data-bbox="411 452 927 631">(2) the electoral provisions applying to the Sydney City Council be transferred from the CoSA to a new Elections Act, as recommended at section 3.3.1 above, thereby providing a single repository for NSW electoral law</p> <p data-bbox="411 636 927 1025">(3) residents of the City of Sydney who are at the relevant date enrolled, within the meaning of the <i>Parliamentary Electorates and Elections Act 1912</i>, on the roll for any electoral district and whose place of living as described on the rolls is within the City of Sydney, shall be entitled to one vote provided that if a person is so entitled to vote because they are a resident of the City of Sydney, they shall not be entitled to be enrolled as an elector in any other capacity</p> <p data-bbox="411 1030 927 1209">(4) (i) that persons presently entitled to vote and corporations who are entitled to nominate a person to vote on its behalf to vote under the CoSA at Council elections be entitled to enroll to vote</p> <p data-bbox="411 1214 927 1760">(ii) that persons, other than those on the roll as set out in recommendation 4.1(3) being presently entitled to vote under the CoSA at Council elections, retain that entitlement to enrol to vote. If a person so entitled to enrol to vote or a corporation who is entitled to nominate a person to enrol to vote on their behalf has not enrolled to vote by the due date or being a corporation nominated a person to enrol to vote on their behalf by the due date, then those persons so entitled to vote as individuals or on behalf of corporations shall be deemed to be enrolled to vote at the Council election</p> <p data-bbox="411 1765 927 2067">(iii) in the case of corporations, if no nomination has been made by a corporation of a person to be entitled to vote on behalf of the corporation the Council will, from the records of ASIC, as mentioned in recommendation 4.1(5) hereof, enrol the first director in alphabetical order to vote on behalf of that corporation and if that</p>	Not Applicable to this Council

---

Topic	Recommendations	Council's Response
	director may be disqualified to vote for any reason, the next director in alphabetical order until a director is validly appointed to vote on behalf of the corporation	
	(5) the Sydney City Council determines, from all available Council information and records as well as information provided by ASIC, the person deemed to be entitled to vote on behalf of non-resident owners and corporations	
	(6) to determine the occupiers entitled to vote, the Sydney City Council canvass the businesses within the City of Sydney six months before council elections to determine such entitlement	
	(7) the non-residential rolls be prepared and maintained by the Sydney City Council with the General Manager of the Council to certify the rolls	
	(8) for the Sydney City Council election, the postal voting method be compulsory for all people enrolled or deemed to be enrolled as non-residential enrollees	
	(9) that non-compulsory candidate information be required to be distributed with the ballot papers sent out as part of the postal voting procedure, limited to a photo of the candidate and 250 words	
	(10) that those enrolled as non-resident enrollees shall remain on the rolls for two ordinary elections unless they sooner lose their qualification or are disqualified from being an enrollee.	

---

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

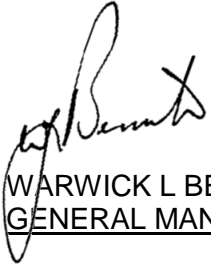


IAN ROBERTS  
MANAGER GOVERNANCE

21 March 2014

*Attachments:* Report of the Local Government Acts Taskforce was forwarded under separate cover to Councillors in March. If you require an additional copy please contact the writer.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



## 6.2.13 Assessment of Quotations for New Plant

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 2 APRIL 2014 COUNCIL MEETING  
REPORT Council 2014  
GOV400038, PLA500012

### RECOMMENDATION

#### That:

1. the report by the Director, Mid-Western Operations on the Assessment of Quotations for New Plant be received;
2. Council accepts Iveco Trucks Australia Limited for VendorPanel quotation LGP13166 for the provision of one Iveco F2350G fitted with a Superior Pak side loading compactor body for the quoted price of \$332,464.95 (Excl GST) and that Council enter into a contract with Iveco Trucks Australia Limited in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
3. Council accepts Garwood International Pty Ltd for VendorPanel quotation LGP13168 for the provision of one Hino 816 fitted with a Garwood rear loading compactor body for the quoted price of \$158,385.00 (Excl GST) and that Council enter into a contract with Garwood International Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
4. Council accepts MacDonald Johnson Pty Ltd for VendorPanel quotation LGP13164 for the provision of one Hino 1628 with a MacDonald Johnson Road Sweeper body for the quoted price of \$305,425.00 (Excl GST) and that Council enter into a contract with MacDonald Johnson Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*..
5. Council approves the General Manager to authorise variations up to 5% of the contract value.
6. The unsuccessful applicants are notified that their quotations were unsuccessful.

### Executive summary

As part of Councils plant replacement program, three waste collection vehicles are due for replacement and quotations were sought for their replacement through VendorPanel which is the web portal of Local Government Procurement (LGP).

VendorPanel is a web portal where Council can either purchase direct from a schedule of rates contract or obtain quotes from LGP quotation based contracts. Transparency is provided to all parties when calling quotations, evaluating the responses and notifying suppliers of the outcome in the one portal. It also provides access to additional information such as insurance details, web links, and company profiles, all regularly updated by the contractors themselves and verified by LGP.

LGP has been prescribed under s55 of the *Local Government Act 1993*, allowing councils to utilise supply arrangements coordinated by LGP without the need to go to tender in their own right.

Section 55 (3) of the *Local Government Act 1993* provides a number of exemptions from the need for councils to call for tenders for goods and services.

Trade-ins were not called for and all surplus equipment will be sold at public auction. The three plant items recommended represented the best value to Council for the purpose of collecting waste and keeping our region clean and tidy.

## Detailed report

The three waste vehicles were assessed by Council mechanics, operators and managers in order to determine which vehicles gave Council the best value for money which includes running costs, the most reliability and also the most efficient vehicle possible. Short listed vehicles were physically examined and operated by a Council operator and mechanic.

The assessment panel consisted of:

Neil Bungate	Financial Accountant
Kristie Ward	Procurement Coordinator
Julian Geddes	Business Manager Resources and Recreation
Kylie Stewart	Waste Coordinator
Andrew Drummond	Business Manager Plant and Facilities

### *EVALUATION FINDINGS*

All quotations were assessed and scored against the evaluation criteria listed in the RFQ (Request for Quotation) document and the weighted scores are based on 50% price, 20% capacity, 15% reliability and 15% parts and service backup. The total weighted scores and quotations received for each of the plant items are listed below.

### **Side Loading Garbage Compactor**

Eight companies submitted a total of fifteen cab chassis and body combinations.

Quotations were received from:

- Dennis Eagle Australia
- Hino Motor Sales Australia Pty Ltd
- Iveco Trucks Australia Limited
- MacDonald Johnson Pty Ltd
- Manco Engineering Australia Pty Ltd
- Superior Pak Pty Ltd
- Volvo Trucks
- Isuzu Australia Limited

Name	Cab Chassis	Body	Total score
Dennis Eagle - Australia	Dennis Eagle	Superior Pak	7.97
Dennis Eagle - Australia	Dennis Eagle	MacDonald Johnson	7.79
Hino Motor Sales Australia Pty Ltd	Hino 500 Series 2628	MacDonald Johnson	7.51
Hino Motor Sales Australia Pty Ltd	Hino FM 2628	MacDonald Johnson	7.85
Hino Motor Sales Australia Pty Ltd	Hino FM 2628	Superior Pak	8.34
Iveco Trucks Australia Limited	Iveco F2350G	MacDonald Johnson	8.54
Iveco Trucks Australia Limited	Iveco F2350G	Superior Pak	9.01
MacDonald Johnson Pty Ltd		MacDonald Johnson	-
Manco Engineering Australia Pty Ltd	Iveco	Manco	7.11
Manco Engineering Australia Pty Ltd	Hino 2628	Manco	7.48
Manco Engineering Australia Pty Ltd	Dennis Eagle	Manco	7.50
Superior Pak Pty Ltd		Superior Pak	-
Volvo Trucks	Volvo FE	MacDonald Johnson	8.11
Volvo Trucks		Superior Pak	8.39
Isuzu Australia Limited	Isuzu FVZ1400	Manco	7.87

One of the major servicing items on this type of vehicle is replacing and servicing the brake system. It is not only a major cost but also a major factor in downtime and unavailability of the vehicle to collect waste.

Several Councils are now fitting retarder drivelines that significantly reduce the amount of braking required and the cost of this addition is more than offset by reduced operating expenditure. An additional benefit is reducing the braking noise which will benefit all residents. The cost of this unit is around \$17,000 and would be fitted post delivery.

This report recommends the Iveco F2350G with the Superior Pak body as providing the best whole of life costs and usability for Council.

### Rear Loading Garbage Compactor

Seven companies submitted a total of sixteen cab chassis and body combinations.

Quotations were received from:

- Garwood International
- Uniqco Special Vehicles
- Hino Motor Sales Australia Pty Ltd
- Isuzu Australia Limited
- MacDonald Johnson Pty Ltd
- Manco Engineering Australia Pty Ltd
- Superior Pak Pty Ltd

Name	Cab Chassis	Body	Total score
Garwood International	Isuzu NPR 400	Garwood	8.70
Garwood International	Hino 816	Garwood	8.74
Garwood International	Mitsubishi Fuso 918	Garwood	8.56
Uniqco Special Vehicles	Isuzu FSR700	FAUN	4.04
Hino Motor Sales Australia Pty Ltd	Hino 816	MacDonald Johnson	8.04
Hino Motor Sales Australia Pty Ltd	Hino 816	MacDonald Johnson	7.97
Hino Motor Sales Australia Pty Ltd	Hino 500 1022	Garwood	8.08
Hino Motor Sales Australia Pty Ltd	Hino 816	Superior Pak	7.99
Hino Motor Sales Australia Pty Ltd	Hino 816	Garwood	8.43
Hino Motor Sales Australia Pty Ltd	Hino 816	Superior Pak	7.99
Isuzu Australia Limited	Isuzu NPR 400	MacDonald Johnson	8.10
Isuzu Australia Limited	Isuzu NPR 400	Superior Pak	8.00
Isuzu Australia Limited	Isuzu NPR 400	Manco	7.65
MacDonald Johnson Pty Ltd			Note A
Manco Engineering Australia Pty Ltd	Hino 816	Manco	7.53
Superior Pak Pty Ltd			Note A
Note A: Body only quotation received			

This report recommends the Garwood supplied Hino truck with Garwood body as providing the best whole of life costs and usability for Council. This combination provides a known cab chassis with a simple body design and straight forward electrical and hydraulic system.

### Road Street Sweeper

Four companies submitted a total of seven cab chassis and body combinations.

Quotations were received from:

- Isuzu Trucks Australia Limited
- MacDonald Johnson Pty Ltd
- Rosmech Sales & Service Pty Ltd
- Uniqco Special Vehicles

Name	Cab Chassis	Body	Total Score
Isuzu Trucks Australia Limited	Isuzu FRR600	Schwarze	8.10
MacDonald Johnson Pty Ltd	Hino 1628	MacDonald Johnson	8.68
MacDonald Johnson Pty Ltd	Hino 1628	MacDonald Johnson - low spec	8.57
Rosmech Sales & Service Pty Ltd	Hino FE 1426	Scarab Merlin	8.22
Rosmech Sales & Service Pty Ltd	Hino 1628	Scarab Merlin	7.96
Rosmech Sales & Service Pty Ltd	Isuzu FSR 700/850	Scarab Merlin	8.09
Uniqco Special Vehicles	Volvo	Viajet	5.07

In order to more effectively clean under the street bins and other isolated footpath spills a high pressure water lance is recommended to be fitted at an additional cost of \$7,295 (excl GST). This enables the operator to complete that task whilst there which will reduce the need for staff to revisit the area to complete the works with the appropriate equipment.

This report recommends the McDonald Johnson supplied Hino 1628 with McDonald Johnson Body as providing the best whole of life costs and usability for Council. This unit provides an automatic gearbox with a single engine drive that reduces running costs.

## Financial and Operational Plan implications

The purchase of these recommended plant items is recognised in the current plant fund budget

## Community Plan implications

The selected equipment is required to ensure that the outcomes of the waste operational plan are met.

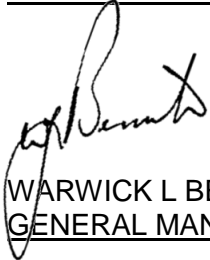


BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

18 March 2014

*Attachments:* 1. Detailed scores and pricing (included in the confidential section of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.14 Draft Pesticide Use Notification Plan

REPORT BY THE BUSINESS MANAGER RESOURCES & RECREATIONAL TO 2 APRIL 2014  
COUNCIL MEETING

REPORT Pesticide notification Plan April 14  
GOV400038, A0130033

### RECOMMENDATION

#### That:

1. **the report by the Business Manager Resources & Recreational on the Draft Pesticide Use Notification Plan be received;**
2. **the Draft Pesticide Use Notification Plan as advertised to the public be adopted without modification.**

### Executive summary

At Council's meeting 5 February 2014 it was adopted that the Draft Pesticide Use Notification Plan be placed on public exhibition for 28 days. The draft plan was placed on exhibition from 14 February 2014 to 14 March 2014. No submissions were received.

### Detailed report

The Pesticides Regulation 2009 requires public authorities, such as local councils and government agencies, to notify the community, in accordance with a notification plan, when they use or allow the use of pesticides in public places that are owned or controlled by the public authority. These rules are based on the principle that people who live and work in an area have a basic right to know when public places in the area are treated with pesticides. Notifying people about pesticide applications means they can make an informed decision, for example, parents with young children may choose to delay a visit to the playground if they know pesticides have been applied that day. Notifying members of the public about pesticide use before it happens does not mean that they can prevent the use of pesticides in the area. The aim of notification is to allow people to choose to reduce their exposure to pesticides if they wish. Notifying the community is now internationally recognised as best practice in pesticides management.

Under the Pesticides Regulation 2009, section 19, a public authority must not use, or allow any person to use, any pesticide in a prescribed public place that is owned by or is under the control of the public authority unless the public authority has first prepared, finalised and notified the Environment Protection Authority of a plan (*a pesticide use notification plan*) in accordance with this Division, and given public notice of the proposed use of pesticide in accordance with that plan.

The plan has been on public exhibition for 28 days through advertising in the Mudgee Guardian and Council's web site. As a result of the notification period no submissions have been received.

It is recommended that this plan now be adopted to ensure Council complies with the requirements of the Pesticides Regulation 2009.

### Financial and Operational Plan implications

Not applicable.

## Community Plan implications

Not applicable.

JULIAN GEDDES  
BUSINESS MANAGER RESOURCES AND  
RECREATIONAL

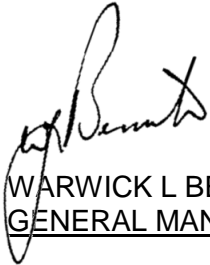


BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

17 March 2014


*Attachments:* 1. Pesticide Use Notification Plan

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## ATTACHMENT 1

	POLICY	ADOPTED C/M MINUTE NO. 38/14
	DRAFT PESTICIDE USE NOTIFICATION PLAN	REF: INSERT REFERENCE REV: INSERT REVISION NUMBER FILE NO. GOV400038;A0130033

This pesticide notification plan has been prepared in accordance with the requirements of the Pesticides Regulation 2009 (the Regulation).

The aim of this plan is to meet the community's general right to know about pesticide applications undertaken by Mid-Western Regional Council in outdoor public places that are owned or managed by Council. This plan allows members of the community to take action to avoid potential contact with pesticides, if they wish. The council ensures that pesticides are applied to public places in a safe, responsible manner minimising harm to the community or environment.

The plan details how Mid-Western Regional Council will notify members of the community of pesticide applications made by the Council to public places.

The term 'pesticide' is applied to chemicals used to kill pests and minimise their impact on agriculture, health and other human interests. Pesticides are the general term given to herbicides, insecticides, fungicides, rodenticides etc.

The plan describes:

- What public places are covered by the plan
- Who regularly uses these public places and an estimate of the level of use
- How and when Council will provide the community with information on the pesticide applications in public places.
- Where the community can access the plan and get more information regarding Council's notification arrangements
- How future reviews of the plan will be conducted
- Contact details for anyone wishing to discuss this plan with Council.

The majority of pesticide use will comprise of applying herbicides for the control of weeds and applying insecticides to manage identified insect pests.

Further information on Council's pesticide use can be obtained by contacting Council's Noxious Weeds Administrator or Parks Technical Assistant on (02) 6378 2850 or by visiting the website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)



## 1. PUBLIC PLACES COVERED BY THIS PLAN

Mid-Western Regional Council proposes to use and/or allow the use of pesticides in the following outdoor public places within the Council's area of responsibility:

- Parks and public gardens
- Child Care and Family Day Care Centres
- Playgrounds
- Pools
- Sporting Fields and Ovals
- Road verges and reserves
- Laneways and pathways
- Easements
- Drains
- Cemeteries
- Showground
- Saleyards
- Aerodrome
- Water treatment and sewerage plants/pump stations
- Animal Shelter/Pound
- Waste Management Facilities

This plan will also provide information on how notice will be provided to the community of pesticide use in the interiors of the following council buildings: Council chambers, library, community halls/centres and childcare facilities.

The Council's estimate of the level of community use, regular user groups and types of pesticide use in each of these categories of public places is summarised in the following table.

Although not required by the Regulation, a summary of the type of pesticide use in each category of public place is also provided.

Public places owned or controlled by Council	Regular user groups	Level of use of public place	Type of pesticide use
<b>(a) Public parks and gardens</b>	<ul style="list-style-type: none"> <li>Children and young families</li> <li>Elderly people</li> <li>General recreational users (joggers, dog walkers, picnickers etc)</li> <li>Council staff</li> </ul>	Very high, frequent use by multiple users with short to medium length stays	<ul style="list-style-type: none"> <li>Spot herbicides</li> <li>Spot insecticides</li> <li>Broadscale selective herbicides</li> <li>Broadscale non-selective herbicides</li> <li>Broadscale insecticides</li> <li>Fungicides</li> <li>Fruit fly baits</li> </ul>
<b>b) Child Care Centres and Family Day Care</b>	<ul style="list-style-type: none"> <li>Children</li> <li>Young families</li> <li>Parents</li> <li>Council staff</li> </ul>	High	<ul style="list-style-type: none"> <li>Spot herbicides</li> <li>Spot insecticides</li> </ul>
<b>c) Playgrounds</b>	<ul style="list-style-type: none"> <li>Children</li> <li>Young families</li> <li>Council staff</li> </ul>	High	<ul style="list-style-type: none"> <li>Spot herbicides</li> <li>Spot insecticides</li> </ul>
<b>d) Pools</b>	<ul style="list-style-type: none"> <li>Families</li> <li>Social groups</li> <li>Council staff</li> <li>Tourists</li> <li>Swimming club</li> <li>Community groups</li> </ul>	High	<ul style="list-style-type: none"> <li>Spot herbicides</li> <li>Spot insecticides</li> <li>Broadscale selective herbicides</li> <li>Broadscale non-selective herbicides</li> </ul>
<b>e) Sporting Fields, ovals and related facilities</b>	<ul style="list-style-type: none"> <li>Sporting clubs and associations</li> <li>School sports groups</li> <li>General recreational use (joggers, dog walkers etc)</li> <li>Council staff</li> </ul>	High	<ul style="list-style-type: none"> <li>Spot herbicides</li> <li>Spot insecticides</li> <li>Broadscale selective herbicides</li> <li>Broadscale non-selective herbicides</li> <li>Broadscale insecticides</li> <li>Fruit fly baits</li> <li>Fungicides</li> </ul>
<b>f) Road verges and reserves</b>	<ul style="list-style-type: none"> <li>Local residents or visitors</li> <li>Council staff</li> </ul>	Low for rural roads Medium to high for urban roads	<ul style="list-style-type: none"> <li>Spot herbicides</li> <li>Broadscale non-selective herbicides</li> </ul>
<b>g) Laneways and pathways</b>	<ul style="list-style-type: none"> <li>Local residents</li> <li>People in the vicinity</li> <li>Visitors to the area</li> <li>Children</li> <li>Council staff</li> </ul>	Medium to high	<ul style="list-style-type: none"> <li>Spot herbicides</li> <li>Broadscale non-selective herbicides</li> </ul>

Public places owned or controlled by Council	Regular user groups	Level of use of public place	Type of pesticide use
<b>h) Easements</b>	<ul style="list-style-type: none"> <li>• Local residents</li> <li>• People working in the vicinity</li> <li>• Children</li> <li>• Council staff</li> </ul>	Low to medium	<ul style="list-style-type: none"> <li>• Spot herbicides</li> <li>• Broadscale non-selective herbicides</li> </ul>
<b>i) Drains</b>	<ul style="list-style-type: none"> <li>• Local residents living adjacent to the drain</li> <li>• Local residents or visitors walking or driving past drain</li> <li>• Council staff</li> </ul>	Low to medium	<ul style="list-style-type: none"> <li>• Spot herbicides</li> <li>• Broadscale non-selective herbicides</li> </ul>
<b>j) Cemeteries</b>	<ul style="list-style-type: none"> <li>• Funeral Directors</li> <li>• Residents</li> <li>• Relatives of deceased</li> <li>• Visitors</li> <li>• Council staff</li> </ul>	Medium to high, especially at certain times of year such as Christmas, Mothers Day, Fathers Day	<ul style="list-style-type: none"> <li>• Spot herbicides</li> <li>• Spot insecticides</li> <li>• Broadscale selective herbicides</li> <li>• Broadscale non-selective herbicides</li> <li>• Vermin Control (rabbit baits)</li> </ul>
<b>k) Water Treatment works and sewerage pumping stations</b>	<ul style="list-style-type: none"> <li>• Inspectors</li> <li>• Auditors</li> <li>• Public walking or driving past</li> <li>• Council staff</li> </ul>	Low	<ul style="list-style-type: none"> <li>• Spot herbicides</li> <li>• Broadscale non-selective herbicides</li> </ul>
<b>l) Showgrounds</b>	<ul style="list-style-type: none"> <li>• Local residents</li> <li>• Showtime users</li> <li>• Horse users</li> <li>• Visitors to the area</li> <li>• Children</li> <li>• Council staff</li> <li>• Community groups</li> </ul>	Low - medium	<ul style="list-style-type: none"> <li>• Spot herbicides</li> <li>• Spot insecticides</li> <li>• Broadscale selective herbicides</li> <li>• Broadscale non-selective herbicides</li> </ul>
<b>m) Aerodrome</b>	<ul style="list-style-type: none"> <li>• Pilots</li> <li>• Passengers</li> <li>• Families</li> <li>• Aero sport clubs</li> <li>• Farmers</li> <li>• Council staff</li> </ul>	Medium	<ul style="list-style-type: none"> <li>• Spot herbicides</li> <li>• Spot insecticides</li> <li>• Broadscale selective herbicides</li> <li>• Broadscale non-selective herbicides</li> <li>• Vermin control (rabbit baits)</li> </ul>

Public places owned or controlled by Council	Regular user groups	Level of use of public place	Type of pesticide use
<b>n) Saleyards</b>	<ul style="list-style-type: none"> <li>• Stock</li> <li>• Farmers</li> <li>• Auctioneers</li> <li>• Council staff</li> <li>• Truck drivers</li> </ul>	Low - medium	<ul style="list-style-type: none"> <li>• Spot herbicides</li> <li>• Spot insecticides</li> <li>• Broadscale selective herbicides</li> <li>• Broadscale non-selective herbicides</li> <li>• Vermin control (rabbit baits)</li> </ul>
<b>o) Works Depot</b>	<ul style="list-style-type: none"> <li>• Council staff</li> <li>• visitors</li> <li>• company reps</li> <li>• couriers</li> <li>• delivery drivers</li> <li>• sports reps</li> </ul>	Low	<ul style="list-style-type: none"> <li>• Spot herbicides</li> <li>• Spot insecticides</li> <li>• Broadscale selective herbicides</li> <li>• Broadscale non-selective herbicides</li> <li>• Vermin control (rabbit baits)</li> </ul>
<b>p) Animal Shelter - Pound</b>	<ul style="list-style-type: none"> <li>• Council staff</li> <li>• Visitors</li> </ul>	Low - medium	<ul style="list-style-type: none"> <li>• Spot herbicides</li> <li>• Spot insecticides</li> <li>• Broadscale selective herbicides</li> <li>• Broadscale non-selective herbicides</li> <li>• Vermin control (rabbit baits)</li> </ul>
<b>q) Interior or certain council buildings</b>	<ul style="list-style-type: none"> <li>• Library users (including young children, school groups and the elderly)</li> <li>• Young children and their carers (childcare facilities)</li> <li>• Parents groups / playgroups</li> <li>• Community associations</li> <li>• Church groups</li> <li>• General members of the public</li> </ul>	High	<ul style="list-style-type: none"> <li>• Spot insecticides</li> <li>• Bait rodenticides</li> <li>• Spray termiticides</li> <li>• Spray ant control</li> <li>• Bait termiticides</li> <li>• Bait ant control</li> <li>• Bait bird control</li> </ul>

## 2. NOTIFICATION ARRANGEMENTS

This section of the plan describes how and when Mid-Western Regional Council will provide notice of pesticide use in public spaces. It includes special measures for sensitive places that are adjacent to public places, arrangements for emergency pesticide applications and circumstances where notification will not be given.

These notification requirements are based on Mid-Western Regional Council's assessment of:

- the level of usage of public places where pesticide may be used
- the extent to which members of the public who are most likely to be affected by the pesticides (young children, sick, pregnant and elderly people) and are likely to use these areas regularly
- the extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides (such as picnic areas where food is consumed; sporting or other recreational activities that result in contact with the ground)
- the type of pesticide used

Notice of pesticide use will be provided by one of the following or a combination of:

- signs
- information on Council's website (which will describe programmed, reactive and emergency pesticide use in public places)
- social media (Facebook)
- letter box drops
- advertising in Mudgee Guardian and The Weekly newspapers
- door knocks (in person)
- phone contact

Mid-Western Regional Council will also have a central register whereby individuals or organisations can nominate to have their details listed which allow them to be notified when certain types of pesticides are going to be used in certain places.

The Council uses small quantities of some pesticides that are widely available in retail outlets and ordinarily used for domestic purposes (including home gardening). The Council does not intend to provide notice for such pesticide applications other than by way of this description in this plan (or general information on Council's website). This will apply to minor control of indoor and outdoor insect pests using baits or aerosol spray cans and spot weed control using a wand or hand-held spray bottle.

All staff and contractors are to apply the pesticides according to best management practice whilst taking into account the particular conditions of each site requiring the application of pesticide.

When baiting of vermin such as rabbits occurs, staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

## 2.1 Outdoor Recreation Areas

The notification arrangements described below will apply to the following categories of public place owned or controlled by Mid-Western Regional Council.

- public parks and gardens
- playgrounds
- pools
- sporting fields, ovals and related sporting facilities

In these public places, signs will be provided to the general community near the application area or main entrances at least 48 hours prior to application and remain for at least 48 hours afterwards for the following pesticide uses:

- spot spraying herbicides
- broadscale selective herbicides
- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- fruit fly baiting (where part of ongoing program, first pesticide use only)

Where any of the above pesticide uses occur adjacent to **sensitive places** (*see definition of sensitive places under subsection 2.11 'Special measures for sensitive places'*), or are registered with Council on the **Pesticide Notification Central Register**, the occupiers will be provided 48 hours prior notice by phone, letterbox drop or in person (whichever is most practicable)

For **playgrounds, picnic areas and pools**, where an application of spot pesticide is necessary, prior notice will be extended to 7 days by placing signs for all the above pesticide uses. For these areas only, signage will be placed at entrances or near play area for at least 48 hours after application of spot herbicide or insecticide use or placement of ant control baits.

For **sporting fields, ovals and related sporting facilities**, sporting groups and occupiers of adjacent sensitive places who register interest with Council can also have notice of the above pesticide uses by email, phone or in person, of pesticide use 48 hours prior to application of pesticides.

For **roadside rest areas**, signs will be provided near the application area at the time of application and remain for at least 48 hours afterwards.

## 2.2 Outdoor public thoroughfares and easements accessible to the public

The notification arrangements described below will apply to the following categories of public place owned or controlled by Mid-Western Regional Council within the LGA:

- laneways and pathways
- road shoulders and verges
- road easements accessible or adjacent to public
- drains

Notification will only be given if the pesticide use will be adjacent to sensitive places or if the occupier has registered interest with Council on the Central Register.

## 2.3 Cemeteries

Information on the following types of pesticide use shall consist of signage placed at the entrance to each of the Council's cemeteries at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- large vertebrate baiting (rabbit control)

## 2.4 Showground

Information on the following types of pesticide use shall consist of signage placed at the each entrance to the showground at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

Application of pesticides shall be carried out when there is no user group booking the area:

- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- large vertebrate baiting (rabbit control)

## 2.5 Aerodrome

Information on the following types of pesticide use shall consist of signage placed at each entrance to the aerodrome where application is near entrances, at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

Where it is not near pedestrian areas, no notification will be provided unless required under the conditions for that pesticide.

- spot spraying herbicides
- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- large vertebrate baiting (rabbit control)

## 2.6 Saleyards

Information on the following types of pesticide use shall consist of signage placed at the entrance to the saleyards at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

Timing of pesticide application should be so not to be carried out when saleyards are in use. Where it is not near pedestrian areas, no notification will be provided unless required under the conditions for that pesticide.

- spot spraying herbicides
- large vertebrate baiting (rabbit control)
- spot spraying of non selective herbicide

## 2.7 Works Depot

Information on the following types of pesticide use shall consist of signage placed at the each entrance to the depot where application is near entrances, at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

Where it is not near pedestrian areas, no notification will be provided unless required under the conditions for that pesticide.

- spot spraying of non selective herbicide
- large vertebrate baiting (rabbit control)



## 2.8 Water treatment and sewerage plants/pump stations

Information on the following types of pesticide use shall consist of signage placed at the each entrance to the site where application is near entrances, at least 48 hours prior to application and remain in place for 48 hours after application. Where it is not adjacent to residential areas, no notification will be provided.

- spot spraying of non selective herbicide

## 2.9 Animal Shelter/Pound

Information on the following types of pesticide use shall consist of signage placed at the entrance to the site where application is near the entrance, at least 48 hours prior to application and remain in place for 48 hours after application. Where it is not near pedestrian areas, no notification will be provided.

- spot spraying of non selective herbicide
- broadscale insecticides

## 2.10 Certain Council buildings

For pesticide use in council chambers, council-owned libraries, community halls and centres and childcare facilities that are owned or controlled by Council, signs will be provided near the application area or main entrance at least 48 hours prior to application and remain for at least 48 hours afterwards for the following pesticide uses:

- spot use of insecticides
- bait rodenticides
- spray termiticides
- spray ant control

Information for the general community will be posted on Council's website and on social media about the above applications and on the following pesticide uses in the above council buildings:

- bait termiticides
- bait ant control
- bait bird control

In addition, 7 days prior notice of all programmed pesticide use in Council childcare facilities will be given to operators of the facilities.

## 2.11 Special Measures for sensitive places

Clause 18 of the Regulation defines a sensitive place to be any:

- school or pre-school
- kindergarten
- childcare centre
- hospital
- community health centre
- nursing home
- vineyard
- place declared to be a sensitive place by the EPA

For broadscale applications notice will be provided 48 hours prior to date of application. Where pesticide application is required near vineyards, application will be timed to avoid damage to crop and carried out in appropriate weather conditions. For non-emergency reactive spot pesticide use in outdoor public places adjacent to sensitive places, Council will provide 48 hours notice before commencing spraying application, to the occupier/user by phone or in person, whichever is most practicable.

For emergency pesticide application such as treating wasps or bees where the public may be harmed, 30 minutes notification, where practicable, by phone or in person will be provided so people are aware of the situation and why the pesticide must be used.

## 2.12 Emergency pesticide applications

In those cases where emergency applications of pesticides must be carried out in outdoor public places, Mid-Western Regional Council will, where possible, give notice by way of signage nearby at the time of application and on social media. When this is not possible, information can be obtained by request to the staff applying the pesticide.

### **WHAT INFORMATION WILL BE PROVIDED**

ordance with clause 20(1)(h) of the Regulation. Notices of pesticide use must include **all** of the ng information:

the full product name of the pesticide to be used

the purpose of the use, clearly stating what pests are being treated

the proposed dates or date range for the pesticide use

the place where the pesticide is to be used

contact telephone number and email address of the Council officer who persons can contact to discuss the notice

any warnings regarding re-entry to the public place of application as specified on the product label or the Australian Pesticides and Veterinary Medicines Authority (APVMA) permit

will be clearly recognisable to the general public and Council staff.

As already noted, Council's website will have a dedicated area that describes its programmed, reactive and, if practicable, emergency pesticide use in public places with a link to this notification plan.

#### **4. HOW THE COMMUNITY WILL BE INFORMED OF THIS PLAN**

Mid-Western Regional Council will advise residents of the plan and its contents by:

- making a copy available for public viewing free of charge during office hours at all Council Offices:
  - 56 Market Street Mudgee
  - Herbert Street Gulgong
  - Louee Street Rylstone
  - Depot Road Mudgee
- placing a copy of the plan on the Council website at [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)
- placing a notice in the Sydney Morning Herald, The Mudgee Guardian and The Weekly newspapers
- placing a notice in the NSW Government Gazette
- include a leaflet in the annual rates notice advising residents of the plan and where they can view a copy of it

#### **5. FUTURE REVIEWS OF THE PLAN**

The notification plan will be reviewed every 3 years unless regulations change during that period in which it will be reviewed as directed. The review will include:

- placing the plan on public exhibition, with the proposed changes and calling for public submissions
- in the light of public submissions, make recommendations for alterations to the plan if applicable.

#### **6. CONTACT DETAILS**

Anyone wishing to contact Council to discuss the notification plan or obtain specific details of pesticide applications in public places should contact:

Susan Burns  
Noxious Weeds Administrator  
PO Box 156  
Mudgee NSW 2850

Phone (02) 6378 2850  
Fax (02) 6378 2815  
Email [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

or access Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)

## 6.2.15 Temporary Suspension of Alcohol Free Zone Kandos Hall, Angus Avenue Kandos

REPORT BY THE HEALTH AND BUILDING SURVEYOR TO 2 APRIL 2014 COUNCIL MEETING  
Temporary Suspension of Alcohol Free Zone Kandos Hall  
GOV400038, P1553611

### RECOMMENDATION

#### That:

1. **the report by the Health and Building Surveyor on the Temporary Suspension of Alcohol Free Zone Kandos Hall, Angus Avenue Kandos be received;**
2. **Council allow the suspension of the Alcohol Free Zone for the outside area of the Kandos Hall in Angus Avenue Kandos on the 4 October 2014 to allow alcohol to be consumed/served to patrons at the Bicentennial Celebrations.**

### Executive summary

A request has been received to suspend the Alcohol Free Zone outside the Kandos Hall on the 4 October 2014.

The suspension is requested in order to allow for alcohol to be consumed/served to patrons at the Bicentennial Celebrations.

Legislation requires that any suspension of an Alcohol Free Zone must be approved by resolution of Council in consultation with the Local Area Command.

### Detailed report

The Bicentennial Celebrations will be held in Angus Avenue Kandos, with crowds expected to take part in the celebrations. Alcohol will only be served within the area of the Kandos Hall.

*Ministerial Guidelines on Alcohol-Free Zones*  
**SUSPENSION OR CANCELLATION OF AN ALCOHOL-FREE ZONE**  
(Section 645 Local Government Act 1993)

*The power to suspend or cancel an alcohol-free zone during its period of operation is provided so that a council may respond to more immediate situations that arise within the area of the zone.*

*A council must pass a valid resolution to suspend or cancel a particular alcohol-free zone. Such action may be taken as a result of a request received from any person or body, or at a council's own initiative.*

*Liaison with the local police, before and after the council resolution, is essential to ensure that both groups are informed and action is coordinated. Additionally, a council may undertake any other consultation it considers necessary.*

*A council must publish notice of a suspension or cancellation as required under section 645 (1) and (3). In the case of cancellation of an alcohol-free zone the signs should be removed immediately.*

*A council is not limited in the reasons for which it may suspend or cancel an alcohol-free zone. A suspension would not usually be appropriate for any period longer than one month, and generally would be of a much shorter duration, e.g. to accommodate a specific community event.*

*The four year operation of an alcohol-free zone is not extended by any suspension occurring within that period.*

The Local Area Command was consulted regarding the request. Constable Jason Turnball – Licensing Officer – advises that the Local Area Command have no objections to the suspension of the Alcohol Free Zones for the purposes of this event.

### Financial and Operational Plan implications

All costs associated with the event are covered by the current budget.

### Community Plan implications

Not applicable.

KATHRYN TOOVEY  
HEALTH AND BUILDING SURVEYOR

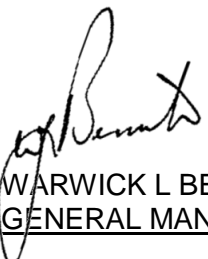


CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

2 April 2014

*Attachments:* Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.16 Public Library Funding

REPORT BY THE MANAGER, INFORMATION SERVICES TO 2 APRIL 2014 COUNCIL MEETING

Public Library Funding  
GOV400038, F0620012

### RECOMMENDATION

#### That:

1. **the report by the Manager, Information Services on Public Library Funding be received;**
2. **Council support the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries;**
3. **Council write to the Hon. George Souris, Minister for the Arts, calling upon the Government to implement the Reforming Local Government Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries;**
4. **approval be given for the distribution of NSW Public Library Associations campaign information in Council libraries.**

### Executive summary

The funding of public libraries in New South Wales continues to be a concern with contributions from the State Government at record lows. As a result, it has fallen to local government to pick up a greater percentage of the cost of delivering public library services. The NSW Public Libraries Associations have developed a campaign to communicate these concerns to the government as well as the public throughout 2014 and in the lead up to the State Government election in 2015. This report seeks Council's support for this campaign.

### Detailed report

The NSW public library funding situation is an historic issue that has been ignored by successive NSW governments. The funding level has now reached a crisis point. The key issues are:

- NSW receives the lowest per-capita funding for public libraries from the State Government of all states in Australia;
- State Government expenditure on public libraries has decreased as a proportion of total public library expenditure from 23% in 1980 to 7% in 2013.
- NSW Local Government councils are currently paying 93% of the costs to operate public libraries in NSW (which are governed by state legislation).

During the 2011 election campaign, the current NSW State Government made a pre-election commitment to undertake a comprehensive review of the quantum and allocation of funding for NSW public libraries. To date there has been no significant action by the government to meet this commitment.

In the absence of any government action the Library Council of NSW used the government's pre-election commitment as a trigger to convene a committee of representatives from the Public Libraries NSW Association (representing regional and rural councils and libraries), the NSW

Metropolitan Public Libraries Association (representing metropolitan councils and libraries), and the State Library of NSW, to develop an evidence-based submission about public library funding.

The Library Council of NSW then provided a submission to the State Government called *Reforming Public Library Funding* in October 2012. The evidence-based submission recommended a fairer, simplified and more transparent method for the distribution of funds.

The following principles for a new approach were recommended:

- Establish a base level of funding for councils with populations below 20,000 people (a safety net for small councils);
- Grant a modest increase in per capita allocations for all councils to recognise cost movements since 1994;
- Address disadvantage transparently through the application of appropriate disability factors;
- Phase out anomalies in current allocations due to former council amalgamations;
- Ensure sustainability by providing that no council receives less recurrent funding than 2012/13; and
- Build and maintain infrastructure via a substantial capital fund, entitled the *Building Library Infrastructure Program*.

The Library Council recommended that recurrent public library funding to councils be adjusted from the current \$26.5M to \$30M per annum from 2013/14 and indexed from the following year. This would be allocated as follows: 68% (\$20.4M in 2013/14) to councils by population with a base level of funding for councils with fewer than 20,000 residents, 17% (\$5.1M) to councils by NSW Local Government Grants Commission (LGGC) disability factors to explicitly address disadvantage and 15% (\$4.5M) applied to Statewide Programs.

In addition, a *Building Library Infrastructure Program* of \$30M per annum for building and maintaining infrastructure was recommended to replace the now defunct provision of grants from operating funds. This program would enable councils to renew library buildings, systems, collections and equipment in regional, urban and growth areas. It was proposed that this be phased in, rising to \$30M over the 4 years from 2013/14 and indexed thereafter.

Despite a high level of expectation that the State Government would fulfil its pre-election undertaking to review and increase its funding allocation to NSW public libraries, this did not eventuate in the 2013 state budget.

The NSW Public Library Associations (NSWPLA), representing country and metropolitan libraries, are now coordinating a targeted campaign to bring the situation to the attention of politicians and funding decision makers to address the problem.

Local Government NSW (LGNSW) and the Australian Library and Information Association (ALIA) are assisting NSWPLA in this campaign and information will be provided to councils and public libraries on an ongoing basis from these bodies throughout the campaign. In addition, local supporters of public libraries including Friends of the Library groups and library users will be engaged in the campaign to lobby State Members.

Given that 44% of the state's population are library users, it is anticipated that there will be strong support for the campaign in the community. Research also highlights the high value placed on public libraries by users and non-users alike. There will be high level media engagement and local and national champions of public libraries will be advocating for funding reform.

There is currently a high degree of uncertainty as to the level of ongoing funding for public libraries in NSW from the State Government. The intent of the NSW Library Act in 1939 was for equal

funding from state and local governments to provide library services. Since that time local government has increasingly carried the funding burden and the situation has deteriorated significantly over the past few decades. Without urgent action from local government and NSW Public Library Associations, this situation will continue and local councils will once again be forced to pick up the funding shortfall.

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

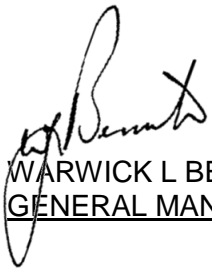
Not applicable.

SIMON JONES  
MANAGER INFORMATION SERVICES

20 March 2014

*Attachments:* Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES



## 6.2.17 Review of Code of Meeting Practice

REPORT BY THE MANAGER GOVERNANCE TO 2 APRIL 2014 COUNCIL MEETING

Code of meeting practice  
GOV400038, A0110003

### RECOMMENDATION

**That:**

- 1. the report by the Manager Governance on the Review of Code of Meeting Practice be received;**
- 2. Council formally adopt the proposed amendments to the Code of Meeting Practice.**

---

### Executive summary

To consider amendments to the Council's Code of Meeting Practice.

### Detailed report

Council at its meeting on 5 February 2014 considered a Mayoral Minute recommending amendments to the Council's Code of Meeting Practice and resolved as follows:

*"That:*

- 1. the Mayoral Minute regarding Code of Meeting Practice – Amendment be received; and*
- 2. Council delete existing clause 35 of the Council's Code of Meeting Practice and replace with the following:*

*"35 MODE OF ADDRESS*

- (1) All Councillors and staff, other than the Chairperson, who are invited to speak at a Council meeting must stand to address Council, unless prevented from doing so by disability or injury;*
  - (2) When Councillors wish to address the Council, they shall indicate by raising their hand and await the invitation by the Chairperson to speak;*
  - (3) A Councillor will not be required to stand when moving or seconding a motion only;*
  - (4) When the Chairperson stands any Councillor and/or staff who are speaking shall cease speaking and resume their seats immediately;*
  - (5) Where the Chairperson, a Councillor or staff member is speaking, all others present in the Chamber shall remain silent unless raising a point of order;*
  - (6) In addressing the Council, Councillors, staff and other persons addressing the Council shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be;*
  - (7) Councillors shall at all times conduct themselves in accordance with the general conduct obligations contained in the Council's Code of Conduct and shall respect the right of their fellow Councillors to speak without interruption.*
- 3. The votes of all the Councillors are recorded on every issue."*

While the Council determined to follow the procedures set out in its decision immediately, the Local Government Act provides that public notice must be given for at least 28 days to any amendments to the Code, with persons being given at least 42 days to make submissions.

This proposal was advertised in the Mudgee Guardian and Council's website on Friday 7 February 2014 with submissions being accepted up to 4.30pm on Friday 21 March 2014.

No submissions were received.

A copy of the Council's Code of Meeting Practice is attached, with the relevant amendments shown as "track changes".

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

The Council's Code of Meeting Practice applies.

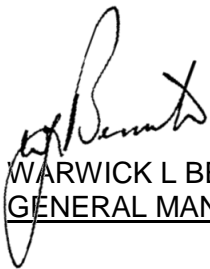


IAN ROBERTS  
MANAGER GOVERNANCE

24 March 2014

*Attachments:* 1. Code of Meeting Practice (included at the end of the business paper).

### APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.18 Mudgee Saleyards Management Committee

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 2 APRIL 2014 COUNCIL MEETING  
REPORT Council 2014  
GOV400038, F0720036

### RECOMMENDATION

#### That:

1. **the report by the Director, Mid-Western Operations on the Mudgee Saleyards Management Committee be received;**
2. **That the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 20 February 2014 be noted;**

### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 20 February 2014.

There are no matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under spate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

### Detailed report

Not applicable.

### Financial and Operational Plan implications

Not applicable .

### Community Plan implications

Not applicable.

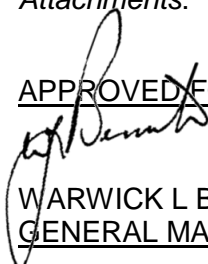


BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

17 March 2014

*Attachments:* 1. Minutes of Mudgee Saleyards Management Committee ordinary bi-monthly meeting 20 February 2014

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## ATTACHMENT 1



PO BOX 156  
MUDGEE NSW 2850

86 Market Street MUDGEE  
109 Herbert Street GULGONG  
77 Louee Street RYLSTONE

Ph: 1300 765 002 or (02) 6378 2850  
Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

**MINUTES**

**MINUTES OF THE MUDGEE REGIONAL SALEYARDS COMMITTEE MEETING HELD ON  
20 FEBRUARY 2014 COMMENCING AT 9AM AND CONCLUDING AT 9.25AM**

**Present:** Cr John Webb (Chair), Terry McDonald, Brad Cam (Council), Jason Pearce, Bill Gaffney,

**Observer:** Amanda Buckley (Minute Secretary)

**1. APOLOGIES**

Adam McDougall, Bob Kearins, John Little, Barry Clapham, Cr Weatherly

*Moved: Jason Pearce 2<sup>nd</sup> Terry McDonald*

**2. MINUTES OF PREVIOUS MEETING**

**Recommendation:**

That the minutes of the meeting held on 19<sup>th</sup> December 2013 be accepted.

*Moved: Brad Cam 2<sup>nd</sup> Cr Terry McDonald*

**3. MATTERS ARISING FROM MINUTES OF MEETING**

- Pen Numbers: Everyone agreed to the pen numbers work to commence in winter

**4. GENERAL BUSINESS**

**Saleyard Statistics** – Report has remained within budget and maintained good statistics.

**Saleyards Committee Meetings** – Committee members would like to continue to meet bi – monthly with a review in six months.

**Phone System** – All agreed that the commander phone system was not necessary. It was discussed that Peter Mitchell will look into getting a new handset.

*Moved: Terry McDonald 2<sup>nd</sup> Jason Pearce*

**5. BUSINESS WITHOUT NOTICE**

- Terry McDonald has advised that an agent was seen dehorning, he was wondering if Council could organise a sign to be made up stating "No Dehorning in Saleyards". Brad to look into the process for a penalty notice.

*Moved: Terry McDonald 2<sup>nd</sup> Jason Pearce*

- Terry McDonald has suggested that the hay bales located next to the Saleyards building be moved to the shed. He thinks it is a hazard and it looks untidy.
- Jason Pearce mentioned that the Saleyards are starting to look untidy. Brad to follow up.

***DATE OF NEXT MEETING – 17<sup>th</sup> April 2014***

**MEETING CLOSED 9.25 am**

## 6.2.19 Gulgong Sports Council

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 2 APRIL 2014 COUNCIL MEETING  
REPORT Council 2013  
GOV400038

### RECOMMENDATION

**That:**

1. **the report by the Director, Mid-Western Operations on the Gulgong Sports Council be received;**
2. **That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 12 February 2014 be noted.**

### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council Meetings held on 12 February 2014. The Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting.

There are no further matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

### Detailed report

Not applicable.

### Financial implications

Not applicable.

### Strategic or policy implications

Not applicable.

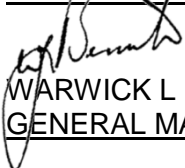


BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

23 October 2013

*Attachments:* 1. Minutes of the Gulgong Sports Council Ordinary Meeting 12 February 2014

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

Gulgong Sports Council  
Monthly Meeting  
12<sup>th</sup> February, 2014 at Gulgong Bowling Club

**Meeting Opened:** 7pm

**Apologies:** Lynne Hawkins

**Present:** Craig Holden – President, Brian Gudgeon – Treasurer/Senior Cricket, Nicola Barnes – Secretary/Miniature Horses, Rhiannon Barnes – Cadet, Michele Gaudry – Tennis Club, Charlie & Betty Rae – Dog Obedience.

**Motion 1** – “That apologies be accepted.”

Moved: C. Holden

Seconded: N. Barnes

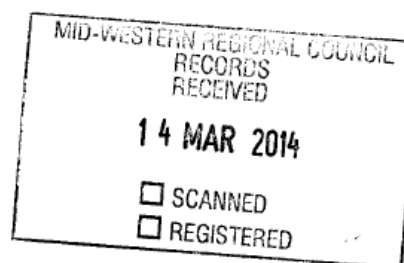
All in favour – motion moved and carried.

**Motion 2** – “That the minutes be accepted as read”

Moved: C. Holden

Seconded: B. Rae

All in favour – motion moved and carried.



**Council Business:**

1. Victoria Park Grandstand awning posts need to be fixed – what stage is this up to? No feed back at this stage.
2. Storage shed for Victoria Park Gulgong to be installed, to discuss with Tracey Kane regarding location and structure.
3. Cricket nets at Billy Dunn Oval needs repairs unsafe at this stage.
4. Live Smart set down for Saturday 22<sup>nd</sup> February 2014 sports council to assist.
5. Request Triple B Key to Greg Lillyst for Womens Gulgong Soccer Club for Access to oval number 2 for 1914 soccer season. Greg is the coach of the group and will be part of the Dubbo District Assoc, this club will be based in Gulgong and part of the Gulgong Sports Council. Key to be issued. Authority form attached.

Moved by Craig Holden 2<sup>nd</sup> Brian Gudgeon Carried

**Correspondence:****Incoming:** nil**Outgoing:**

1. Affiliation Fees – invoices.

**Finance Report:**

Opening Balance:	\$1539.72	
Income	\$1495.00	Gulgong District Cricket Assoc Inc Fees
Expenditure	\$66.90	Gulgong News and Office Mart

**Motion 3** – “That the treasurer’s report be accepted.”

Moved: B. Gudgeon

Seconded: B. Rae

All in favour – motion moved and carried.

**General Business:**

1. Presentation night has been postponed until June date to be fixed, extension of nominations until the end of March. Will make decision of presentation night depending on nominations.

Meeting closed: 8.20

Craig Holden – President .....

Next meeting – 12<sup>th</sup> February 2014 – 7pm – Gulgong Bowling Club



## 6.2.20 Mudgee Sports Council

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 2 APRIL 2014 COUNCIL MEETING  
Report to Council - Mudgee Sports Council - February 2014 Minutes  
GOV400038, A0100013

### RECOMMENDATION

**That:**

- 1. the report by the Director, Mid-Western Operations on the Mudgee Sports Council be received;**
- 2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 24 February 2014 be noted.**

### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council Meetings held on 24 February 2014. The Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting.

There are no further matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

### Detailed report

Not applicable.

### Financial implications

Not applicable.

### Strategic or policy implications



BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

18 March 2014

*Attachments:* 1. Minutes of Mudgee Sports Council Ordinary Meeting 24 February 2014

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

**SPORTS COUNCIL MEETING  
GLEN WILLOW NETBALL MEETING ROOM  
24-02-2014 - 18:00**

**Present:** P. Mitchell, G. Robinson, C. Kurtz, G. Bartrim, C. Turner, G. Parker, K. Lang, D. Synder, T. Headley, B. Harris, R. Golden, J. Baskerville, G. Azzar & J. Johnson.

**Apologies:** J. Weatherley (MWRC Representative), S. Adlington, R. Sharp, Moved C. Kurtz, G. Bartrim seconded that apologies be accepted.

Minutes read as true and correct: Moved G. Parker seconded C. Kurtz

**Business arising from previous minutes:**

- Junior Rep Rugby boys training on a Thursday evening after Touch.
- The watering of Cahill Park is being looked into, water pressure appears to be the issue

**Treasurer's Report:**

- \$62588.01. Touch, has paid full fees and the cycle club and AFL have paid affiliation fees
- **All summer sports** are reminded that fees are to be paid by the March meeting, Report moved G. Robinson, seconded G. Bartrim.

**Secretary Report:**

- Letter from federal member Mark Coulter re small grants for small communities
- Application from Mudgee Rugby Club for an upgrade to the dressing sheds at Jubilee, 2 quotes obtained, \$3285 and \$2980. **Motion: That Mudgee Rugby be given a grant of \$3000 to upgrade the dressing sheds at Jubilee.**  
Moved G. Robinson seconded K. Lang, motion carried.

**Work's Requests Updates**

- West end update, as no rep available from Softball carried over to next meeting.
- Trenches have been filled in at Cahill Park

**Works Requests**

- Sprinkler covers broken at Jubilee, a photo has been submitted.
- Door needs repairing at west end complex after attempted break in to Hockey storeroom; also cover for cistern room lock, which the cover has been jimmed off.
- Lights not working on old training fields at Glen Willow.
- Water to toilets needs turning on at Netball clubhouse

**General Business**

- G. Azzar spoke about fee's and asked if a fee restructure could be made for Ultimate Frisbee, discussion took place, and the rep for ultimate Frisbee was informed that council sets the fees.
- The fitness festival that was held at Gulgong was very successful, and most clubs are preparing to attend the Mudgee one on the 8<sup>th</sup> March.
- Sports council awards: the closing date is the 28<sup>th</sup> February, selection will be held at the PCYC on the 5<sup>th</sup> of March at 6:30pm. Presentation to be held Monday 7<sup>th</sup> April at either Club Mudgee or the Town hall Geoff Robinson will notify of the venue at the next sports council meeting. Please also be aware if you are putting a team nomination in to ensure all players are named, plus coaches
- Cricket needs to be added to ground allocations for Walkers oval

**Next meeting 31<sup>st</sup> March at 6pm at the Netball Clubhouse**

*URGENT BUSINESS WITHOUT NOTICE*

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

*GIVING NOTICE OF BUSINESS*

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
  - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
  - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
  - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
  - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
  - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
  - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
  - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

*BUSINESS WITHOUT NOTICE*

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
  - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 7: Urgent Business Without Notice